

FILED
CLERK OF CIRCUIT COURT
THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

August 2, 2011
Legislative Session Day

2011 SEP 9 AM 10 38

Legislative Session Day
August 2, 2011

CODE HOME RULE
BILL NO. 5-2011

INTRODUCED BY: Ronald H. Fithian, President of the Board of County Commissioners of Kent County, Maryland at the request of the Kent County Planning Commission.

AN ACT to amend. Article V, Sections 1.3 (Agricultural Zoning District – Special Exceptions), 1.4 (Agricultural Zoning District – Accessory Uses), 2.3 (Resource Conservation District – Special Exceptions), 2.4 (Resource Conservation District – Accessory Uses), 3.3 (Rural Character District – Special Exceptions), 3.4 (Rural Character District– Accessory Uses), 4.3 (Rural Residential – Special Exceptions), 4.4 (Rural Residential – Accessory Uses), 5.3 (Critical Area Residential – Special Exceptions), 5.4 (Critical Area Residential – Accessory Uses), 6.3 (Community Residential – Special Exceptions), 6.4 (Community Residential – Accessory Uses), 7.3 (Village - Special Exceptions), 7.4 (Village – Accessory Uses), 8.3 (Intense Village – Special Exceptions), 8.4 (Intense Village – Accessory Uses), 9.3 (Intense Village Critical Area – Special Exceptions) 9.4 (Intense Village Critical Area – Accessory Uses), 10.3 (Crossroads Commercial - Special Exceptions), 10.4 (Crossroads Commercial - Accessory Uses), 11.3 (Commercial – Special Exceptions), 11.4 (Commercial – Accessory Uses), 12.3 (Commercial Critical Area – Special Exceptions), 12.4 (Commercial Critical Area – Accessory Uses), 13.4 (Marine – Accessory Uses), 14.3 (Employment Center – Special Exceptions), 14.4 (Employment Center – Accessory Uses), 15.3 (Industrial – Special Exceptions), 15.4 (Industrial – Accessory Uses), 16.2.5 (Industrial District - Critical Area – LDA – Special Exceptions), 16.3 (Industrial District - Critical Area – LDA – Accessory Uses) 17.2.5 (Industrial District - Critical Area – Special Exceptions), 17.3 (Industrial District - Critical Area – Accessory Uses); Article VI, Section 3.2 (Supplementary Regulations - Modifications of Height Regulations); Article VII, 7.6 (Special Exceptions – Procedures), 7.7 (Special Exceptions – Special Exceptions); and XI Section 2 (Definitions) of the Kent County Land Use Ordinance to add new provisions relating to wind and solar energy systems.

THE COUNTY COMMISSIONERS OF KENT COUNTY



Ronald H. Fithian, President

BILL NO. 5-2011

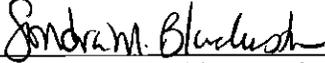
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CAPITALS INDICATED MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

INTRODUCED, read first time, August 2, 2011, ordered posted and public hearing scheduled on the 23rd day of August, 2011 at 7:00 p.m. in the County Commissioners Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland.

By Order of:



Sondra M. Blackiston, Clerk

PUBLIC HEARING

HAVING been posted and notice of time and place of hearing and copies having been made available to the public and the press, a public hearing was held on August 23, 2011. Reported favorably [with] ~~[without]~~ amendments; read second time and ordered to be considered on September 6, 2011, a legislative session day.

A BILL ENTITLED

AN ACT to amend Article V, Sections 1.3 (Agricultural Zoning District – Special Exceptions), 1.4 (Agricultural Zoning District – Accessory Uses), 2.3 (Resource Conservation District – Special Exceptions), 2.4 (Resource Conservation District – Accessory Uses), 3.3 (Rural Character District - Special Exceptions), 3.4 (Rural Character District– Accessory Uses), 4.3 (Rural Residential – Special Exceptions), 4.4 (Rural Residential – Accessory Uses), 5.3 (Critical Area Residential – Special Exceptions), 5.4 (Critical Area Residential – Accessory Uses), 6.3 (Community Residential – Special Exceptions), 6.4 (Community Residential – Accessory Uses), 7.3 (Village - Special Exceptions), 7.4 (Village – Accessory Uses), 8.3 (Intense Village – Special Exceptions), 8.4 (Intense Village – Accessory Uses), 9.3 (Intense Village Critical Area – Special Exceptions) 9.4 (Intense Village Critical Area – Accessory Uses), 10.3 (Crossroads Commercial - Special Exceptions), 10.4 (Crossroads Commercial - Accessory Uses), 11.3 (Commercial – Special Exceptions), 11.4 (Commercial – Accessory Uses), 12.3 (Commercial Critical Area – Special Exceptions), 12.4 (Commercial Critical Area – Accessory Uses), 13.4 (Marine – Accessory Uses), 14.3 (Employment Center – Special Exceptions), 14.4 (Employment Center – Accessory Uses), 15.3 (Industrial – Special Exceptions), 15.4 (Industrial – Accessory Uses), 16.2.5 (Industrial District - Critical Area – LDA – Special Exceptions), 16.3 (Industrial District - Critical Area – LDA – Accessory Uses) 17.2.5 (Industrial District - Critical Area – Special Exceptions), 17.3 (Industrial District - Critical Area – Accessory Uses); Article VI, Section 3.2 (Supplementary Regulations - Modifications of Height Regulations); Article VII, 7.6 (Special Exceptions – Procedures), 7.7 (Special Exceptions – Special Exceptions); and XI Section 2 (Definitions) of the Kent County Land Use Ordinance to add new provisions relating to wind and solar energy systems.

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Whereas, Kent County recognizes the advantages of using renewable energy systems such as solar and wind energy systems; and

Whereas, a strategy of the Kent County Comprehensive Plan is to encourage the design and operation of buildings to achieve effective utilization of energy and water and to use alternative sources of energy; therefore

SECTION 1. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article V, Section 1.3 (Agricultural Zoning District – Special Exceptions) as follows:

26.5 SOLAR ENERGY SYSTEMS, UTILITY SCALE ON FARMS

29. WIND ENERGY SYSTEMS, SMALL, WITH A HEIGHT THAT EXCEEDS 80 FEET OR ON PARCELS LESS THAN 20 ACRES

SECTION 2. BE IT ENACTED by the County Commissioners of Kent County, Maryland that a new subsection be added to the Kent County Land Use Ordinance, Article V, Section 1.4 (Agricultural Zoning District – Accessory Uses and Structures on farms) as follows:

11. WIND ENERGY SYSTEMS, SMALL PROVIDED:

- a. THE HEIGHT OF THE STRUCTURE TO THE TIP OF THE BLADE AT ITS HIGHEST POINT DOES NOT EXCEED 80 FEET;
- b. ANY SYSTEM IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE;
- c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET;
- d. ALL ACCESS DOORS TO TOWERS AND ELECTRICAL EQUIPMENT SHALL BE LOCKABLE;
- e. APPROPRIATE WARNING SIGNAGE IS PLACED ON THE TOWER AND ELECTRICAL EQUIPMENT;
- f. THE BLADE TIP AT ITS LOWEST POINT HAS A GROUND CLEARANCE OF AT LEAST 25 FEET
- g. WIND TURBINES AND TOWERS MAINTAIN A GALVANIZED STEEL, BRUSHED ALUMINUM FINISH, OR A NON-GARISH COLOR; AND
- h. ANY SMALL WIND ENERGY SYSTEM THAT IS NOT OPERATIONAL FOR A PERIOD OF 12 CONSECUTIVE MONTHS OR MORE SHALL BE REMOVED AT THE LANDOWNER'S EXPENSE.

SECTION 3. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article V, Section 1.4B (Agricultural Zoning District – Accessory Uses and Structures) as follows:

- 13.5 SOLAR ENERGY SYSTEMS, SMALL, PROVIDED:
 - a. TREE REMOVAL SHALL BE MINIMIZED AND ANY REMOVAL SHALL BE MITIGATED AT A RATIO OF ONE TREE PLANTED FOR EACH TREE REMOVED.
 - b. ALL SOLAR COLLECTION DEVICES SHALL REGISTER WITH THE DEPARTMENT OF EMERGENCY SERVICES AND SHALL SUBMIT A MAP NOTING THE LOCATION OF THE SOLAR COLLECTION DEVICES AND THE PANEL DISCONNECT.
 - c. THE TOTAL HEIGHT OF SOLAR COLLECTION SYSTEMS SHALL COMPLY WITH THE HEIGHT REQUIREMENTS.

15. TEMPORARY MET TOWER OF ANY HEIGHT PROVIDED:
 - a. THE TOWER IS ERECTED FOR NO MORE THAN 12 MONTHS
 - b. ANY FREE STANDING STRUCTURE IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE; AND
 - c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET.

SECTION 4. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article V, Section 2.3 (Resource Conservation District – Special Exceptions) as follows:

19. SOLAR ENERGY SYSTEMS, UTILITY SCALE, ON FARMS

20. WIND ENERGY SYSTEMS, SMALL, WITH A HEIGHT THAT EXCEEDS 80 FEET OR ON PARCELS LESS THAN 20 ACRES

SECTION 5. BE IT ENACTED by the County Commissioners of Kent County, Maryland that a new subsection be added to the Kent County Land Use Ordinance, Article V, Section 2.4A (Resource Conservation District – Accessory Uses and Structures on farms) as follows:

8. WIND ENERGY SYSTEMS, SMALL PROVIDED:
 - a. THE HEIGHT OF THE STRUCTURE TO THE TIP OF THE BLADE AT ITS HIGHEST POINT DOES NOT EXCEED 80 FEET;

- b. ANY SYSTEM IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE;
- c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET;
- d. ALL ACCESS DOORS TO TOWERS AND ELECTRICAL EQUIPMENT SHALL BE LOCKABLE;
- e. APPROPRIATE WARNING SIGNAGE IS PLACED ON THE TOWER AND ELECTRICAL EQUIPMENT;
- f. THE BLADE TIP AT ITS LOWEST POINT HAS A GROUND CLEARANCE OF AT LEAST 25 FEET
- g. WIND TURBINES AND TOWERS MAINTAIN A GALVANIZED STEEL, BRUSHED ALUMINUM FINISH, OR A NON-GARISH COLOR; AND
- h. ANY SMALL WIND ENERGY SYSTEM THAT IS NOT OPERATIONAL FOR A PERIOD OF 12 CONSECUTIVE MONTHS OR MORE SHALL BE REMOVED AT THE LANDOWNER'S EXPENSE.

SECTION 6. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article V, Section 2.4B (Resource Conservation Districts – Accessory Uses and Structures) as follows:

12.5 SOLAR ENERGY SYSTEMS, SMALL PROVIDED:

- a. TREE REMOVAL SHALL BE MINIMIZED AND ANY REMOVAL SHALL BE MITIGATED IN ACCORDANCE WITH THE CRITICAL AREA PROGRAM REQUIREMENTS.
- b. ALL SOLAR COLLECTION DEVICES SHALL REGISTER WITH THE DEPARTMENT OF EMERGENCY SERVICES AND SHALL SUBMIT A MAP NOTING THE LOCATION OF THE SOLAR COLLECTION DEVICES AND THE PANEL DISCONNECT.
- c. THE TOTAL HEIGHT OF SOLAR COLLECTION SYSTEMS SHALL COMPLY WITH THE HEIGHT REQUIREMENTS.

14. TEMPORARY MET TOWER OF ANY HEIGHT PROVIDED:

- a. THE TOWER IS ERECTED FOR NO MORE THAN 12 MONTHS
- b. ANY FREE STANDING STRUCTURE IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE; AND
- c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET.

SECTION 7. BE IT ENACTED by the County Commissioners of Kent County, Maryland that a new subsection be added to the Kent County Land Use Ordinance, Article V, Section 3.3 and 4.3 (Rural Character District and Rural Residential – Special Exceptions) as follows:

26. WIND ENERGY SYSTEMS, SMALL WITH A HEIGHT THAT EXCEEDS 80 FEET OR ON PARCELS LESS THAN 20 ACRES

SECTION 8. BE IT ENACTED by the County Commissioners of Kent County, Maryland that a new subsection be added to the Kent County Land Use Ordinance, Article V, Section 3.4A and 4.3A (Rural Character District and Rural Residential – Accessory Uses and Structures on farms) as follows:

10. WIND ENERGY SYSTEMS, SMALL PROVIDED:
 - a. THE HEIGHT OF THE STRUCTURE TO THE TIP OF THE BLADE AT ITS HIGHEST POINT DOES NOT EXCEED 80 FEET;
 - b. ANY SYSTEM IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE;
 - c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET;
 - d. ALL ACCESS DOORS TO TOWERS AND ELECTRICAL EQUIPMENT SHALL BE LOCKABLE;
 - e. APPROPRIATE WARNING SIGNAGE IS PLACED ON THE TOWER AND ELECTRICAL EQUIPMENT;
 - f. THE BLADE TIP AT ITS LOWEST POINT HAS A GROUND CLEARANCE OF AT LEAST 25 FEET
 - g. WIND TURBINES AND TOWERS MAINTAIN A GALVANIZED STEEL, BRUSHED ALUMINUM FINISH, OR A NON-GARISH COLOR; AND
 - h. ANY SMALL WIND ENERGY SYSTEM THAT IS NOT OPERATIONAL FOR A PERIOD OF 12 CONSECUTIVE MONTHS OR MORE SHALL BE REMOVED AT THE LANDOWNER'S EXPENSE.

SECTION 9. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article V, Section 3.4B and 4.4B (Rural Character District and Rural Residential – Accessory Uses and Structures) as follows:

- 12.5 SOLAR ENERGY SYSTEMS, SMALL PROVIDED:
 - a. TREE REMOVAL SHALL BE MINIMIZED AND ANY REMOVAL SHALL BE MITIGATED AT A RATIO OF ONE TREE PLANTED FOR EACH TREE REMOVED.

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- b. ALL SOLAR COLLECTION DEVICES SHALL REGISTER WITH THE DEPARTMENT OF EMERGENCY SERVICES AND SHALL SUBMIT A MAP NOTING THE LOCATION OF THE SOLAR COLLECTION DEVICES AND THE PANEL DISCONNECT.
 - c. THE TOTAL HEIGHT OF SOLAR COLLECTION SYSTEMS SHALL COMPLY WITH THE HEIGHT REQUIREMENTS.
14. TEMPORARY MET TOWER OF ANY HEIGHT PROVIDED:
- a. THE TOWER IS ERECTED FOR NO MORE THAN 12 MONTHS
 - b. ANY FREE STANDING STRUCTURE IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE; AND
 - c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET.

SECTION 10. BE IT ENACTED by the County Commissioners of Kent County, Maryland that a new subsection be added to the Kent County Land Use Ordinance, Article V, Section 5.3 (Critical Area Residential – Special Exceptions) as follows:

- 23. WIND ENERGY SYSTEMS, SMALL WITH A HEIGHT THAT EXCEEDS 80 FEET OR ON PARCELS LESS THAN 20 ACRES

SECTION 11. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article V, Section 5.4 (Critical Area Residential - Accessory Uses and Structures) as follows:

- 13.5 SOLAR ENERGY SYSTEMS, SMALL PROVIDED:
- a. TREE REMOVAL SHALL BE MINIMIZED AND ANY REMOVAL SHALL BE MITIGATED IN ACCORDANCE WITH THE CRITICAL AREA PROGRAM REQUIREMENTS.
 - b. ALL SOLAR COLLECTION DEVICES SHALL REGISTER WITH THE DEPARTMENT OF EMERGENCY SERVICES AND SHALL SUBMIT A MAP NOTING THE LOCATION OF THE SOLAR COLLECTION DEVICES AND THE PANEL DISCONNECT.
 - c. THE TOTAL HEIGHT OF SOLAR COLLECTION SYSTEMS SHALL COMPLY WITH THE HEIGHT REQUIREMENTS.
15. TEMPORARY MET TOWER OF ANY HEIGHT PROVIDED:
- a. THE TOWER IS ERECTED FOR NO MORE THAN 12 MONTHS

- b. ANY FREE STANDING STRUCTURE IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE; AND
- c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET.

SECTION 12. BE IT ENACTED by the County Commissioners of Kent County, Maryland that a new subsection be added to the Kent County Land Use Ordinance, Article V, Section 6.3 (Community Residential - Special Exceptions) as follows:

- 21. WIND ENERGY SYSTEMS, SMALL WITH A HEIGHT THAT EXCEEDS 80 FEET OR ON PARCELS LESS THAN 20 ACRES

SECTION 13. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article V, Section 6.4A (Community Residential - Accessory Uses and Structures on farms) as follows:

- 10. WIND ENERGY SYSTEMS, SMALL PROVIDED:
 - a. THE HEIGHT OF THE STRUCTURE TO THE TIP OF THE BLADE AT ITS HIGHEST POINT DOES NOT EXCEED 80 FEET;
 - b. ANY SYSTEM IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE;
 - c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET;
 - d. ALL ACCESS DOORS TO TOWERS AND ELECTRICAL EQUIPMENT SHALL BE LOCKABLE;
 - e. APPROPRIATE WARNING SIGNAGE IS PLACED ON THE TOWER AND ELECTRICAL EQUIPMENT;
 - f. THE BLADE TIP AT ITS LOWEST POINT HAS A GROUND CLEARANCE OF AT LEAST 25 FEET
 - g. WIND TURBINES AND TOWERS MAINTAIN A GALVANIZED STEEL, BRUSHED ALUMINUM FINISH, OR A NON-GARISH COLOR; AND
 - h. ANY SMALL WIND ENERGY SYSTEM THAT IS NOT OPERATIONAL FOR A PERIOD OF 12 CONSECUTIVE MONTHS OR MORE SHALL BE REMOVED AT THE LANDOWNER'S EXPENSE.

SECTION 14. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article V, Section 6.4B (Community Residential - Accessory Uses and Structures) as follows:

- 12.5 SOLAR ENERGY SYSTEMS, SMALL PROVIDED:
- a. TREE REMOVAL SHALL BE MINIMIZED AND ANY REMOVAL SHALL BE MITIGATED AT A RATIO OF ONE TREE PLANTED FOR EACH TREE REMOVED.
 - b. ALL SOLAR COLLECTION DEVICES SHALL REGISTER WITH THE DEPARTMENT OF EMERGENCY SERVICES AND SHALL SUBMIT A MAP NOTING THE LOCATION OF THE SOLAR COLLECTION DEVICES AND THE PANEL DISCONNECT.
 - c. THE TOTAL HEIGHT OF SOLAR COLLECTION SYSTEMS SHALL COMPLY WITH THE HEIGHT REQUIREMENTS.
14. TEMPORARY MET TOWER OF ANY HEIGHT PROVIDED:
- a. THE TOWER IS ERECTED FOR NO MORE THAN 12 MONTHS
 - b. ANY FREE STANDING STRUCTURE IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE; AND
 - c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET.

SECTION 15. BE IT ENACTED by the County Commissioners of Kent County, Maryland that a new subsection be added to the Kent County Land Use Ordinance, Article V, Section 7.3 (Village - Special Exceptions) as follows:

13. WIND ENERGY SYSTEMS, SMALL

SECTION 16. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article V, Section 7.4 (Village - Accessory Uses and Structures) as follows:

- 11.5 SOLAR ENERGY SYSTEMS, SMALL PROVIDED:
- a. TREE REMOVAL SHALL BE MINIMIZED AND ANY REMOVAL SHALL BE MITIGATED AT A RATIO OF ONE TREE PLANTED FOR EACH TREE REMOVED.
 - b. ALL SOLAR COLLECTION DEVICES SHALL REGISTER WITH THE DEPARTMENT OF EMERGENCY SERVICES AND SHALL SUBMIT A MAP NOTING THE LOCATION OF THE SOLAR COLLECTION DEVICES AND THE PANEL DISCONNECT.
 - c. THE TOTAL HEIGHT OF SOLAR COLLECTION SYSTEMS SHALL COMPLY WITH THE HEIGHT REQUIREMENTS.

13. Temporary MET Tower of any height provided:
 - a. The tower is erected for no more than 12 months
 - b. Any free standing structure is located a minimum of 3 times its total height from a property line; and
 - c. Towers are not readily climbable from the ground up to 12 feet.

SECTION 17. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article V, Section 8.3 (Intense Village - Special Exceptions) as follows:

17. WIND ENERGY SYSTEMS, SMALL

SECTION 18. BE IT ENACTED by the County Commissioners of Kent County, Maryland that a new subsection be added to the Kent County Land Use Ordinance, Article V, Section 8.4 (Intense Village - Accessory Uses and Structures) as follows:

12.5 SOLAR ENERGY SYSTEMS, SMALL PROVIDED:

- a. TREE REMOVAL SHALL BE MINIMIZED AND ANY REMOVAL SHALL BE MITIGATED AT A RATIO OF ONE TREE PLANTED FOR EACH TREE REMOVED.
- b. ALL SOLAR COLLECTION DEVICES SHALL REGISTER WITH THE DEPARTMENT OF EMERGENCY SERVICES AND SHALL SUBMIT A MAP NOTING THE LOCATION OF THE SOLAR COLLECTION DEVICES AND THE PANEL DISCONNECT.
- c. THE TOTAL HEIGHT OF SOLAR COLLECTION SYSTEMS SHALL COMPLY WITH THE HEIGHT REQUIREMENTS.

13.5. TEMPORARY MET TOWER OF ANY HEIGHT PROVIDED:

- a. THE TOWER IS ERECTED FOR NO MORE THAN 12 MONTHS
- b. ANY FREE STANDING STRUCTURE IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE; AND
- c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET.

SECTION 19. BE IT ENACTED by the County Commissioners of Kent County, Maryland that a new subsection be added to the Kent County Land Use Ordinance, Article V, Section 9.3 (Intense Village Critical Area - Special Exceptions) as follows:

18. WIND ENERGY SYSTEMS, SMALL

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SECTION 20. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article V, Section 9.4 (Intense Village Critical Area - Accessory Uses and Structures) as follows:

12.5 SOLAR ENERGY SYSTEMS, SMALL PROVIDED:

- a. TREE REMOVAL SHALL BE MINIMIZED AND ANY REMOVAL SHALL BE MITIGATED IN ACCORDANCE WITH THE CRITICAL AREA PROGRAM REQUIREMENTS.
- b. ALL SOLAR COLLECTION DEVICES SHALL REGISTER WITH THE DEPARTMENT OF EMERGENCY SERVICES AND SHALL SUBMIT A MAP NOTING THE LOCATION OF THE SOLAR COLLECTION DEVICES AND THE PANEL DISCONNECT.
- c. THE TOTAL HEIGHT OF SOLAR COLLECTION SYSTEMS SHALL COMPLY WITH THE HEIGHT REQUIREMENTS.

13.5. TEMPORARY MET TOWER OF ANY HEIGHT PROVIDED:

- a. THE TOWER IS ERECTED FOR NO MORE THAN 12 MONTHS
- b. ANY FREE STANDING STRUCTURE IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE; AND
- c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET.

SECTION 21. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article V, Section 10.3 (Crossroads Commercial - Special Exceptions) as follows:

6.5 SOLAR ENERGY SYSTEMS, UTILITY SCALE

8. WIND ENERGY SYSTEMS, SMALL WITH A HEIGHT THAT EXCEEDS 80 FEET

SECTION 22. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article V, Section 10.4 (Crossroads Commercial - Accessory Uses and Structures) as follows:

6. SOLAR ENERGY SYSTEMS, SMALL PROVIDED:

- a. TREE REMOVAL SHALL BE MINIMIZED AND ANY REMOVAL SHALL BE MITIGATED AT A RATIO OF ONE TREE PLANTED FOR EACH TREE REMOVED.

- b. ALL SOLAR COLLECTION DEVICES SHALL REGISTER WITH THE DEPARTMENT OF EMERGENCY SERVICES AND SHALL SUBMIT A MAP NOTING THE LOCATION OF THE SOLAR COLLECTION DEVICES AND THE PANEL DISCONNECT.
 - c. THE TOTAL HEIGHT OF SOLAR COLLECTION SYSTEMS SHALL COMPLY WITH THE HEIGHT REQUIREMENTS.
7. TEMPORARY MET TOWER OF ANY HEIGHT PROVIDED:
- a. THE TOWER IS ERECTED FOR NO MORE THAN 12 MONTHS
 - b. ANY FREE STANDING STRUCTURE IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE; AND
 - c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET.
8. WIND ENERGY SYSTEMS, SMALL LIMITED TO ONE TOWER PROVIDED:
- a. THE HEIGHT OF THE STRUCTURE TO THE TIP OF THE BLADE AT ITS HIGHEST POINT DOES NOT EXCEED 80 FEET;
 - b. ANY SYSTEM IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE;
 - c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET;
 - d. ALL ACCESS DOORS TO TOWERS AND ELECTRICAL EQUIPMENT SHALL BE LOCKABLE;
 - e. APPROPRIATE WARNING SIGNAGE IS PLACED ON THE TOWER AND ELECTRICAL EQUIPMENT;
 - f. THE BLADE TIP AT ITS LOWEST POINT HAS A GROUND CLEARANCE OF AT LEAST 25 FEET
 - g. WIND TURBINES AND TOWERS MAINTAIN A GALVANIZED STEEL, BRUSHED ALUMINUM FINISH, OR A NON-GARISH COLOR; AND
 - h. ANY SMALL WIND ENERGY SYSTEM THAT IS NOT OPERATIONAL FOR A PERIOD OF 12 CONSECUTIVE MONTHS OR MORE SHALL BE REMOVED AT THE LANDOWNER'S EXPENSE.

SECTION 23. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article V, Section 11.3 (Commercial - Special Exceptions) as follows:

8.5 SOLAR ENERGY SYSTEMS, UTILITY SCALE

12. WIND ENERGY SYSTEMS, SMALL WITH A HEIGHT THAT EXCEEDS 80 FEET

SECTION 24. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article V, Section 11.4 (Commercial - Accessory Uses and Structures) as follows:

6. SOLAR ENERGY SYSTEMS, SMALL PROVIDED:
 - a. TREE REMOVAL SHALL BE MINIMIZED AND ANY REMOVAL SHALL BE MITIGATED AT A RATIO OF ONE TREE PLANTED FOR EACH TREE REMOVED.
 - b. ALL SOLAR COLLECTION DEVICES SHALL REGISTER WITH THE DEPARTMENT OF EMERGENCY SERVICES AND SHALL SUBMIT A MAP NOTING THE LOCATION OF THE SOLAR COLLECTION DEVICES AND THE PANEL DISCONNECT.
 - c. THE TOTAL HEIGHT OF SOLAR COLLECTION SYSTEMS SHALL COMPLY WITH THE HEIGHT REQUIREMENTS.

7. TEMPORARY MET TOWER OF ANY HEIGHT PROVIDED:
 - a. THE TOWER IS ERECTED FOR NO MORE THAN 12 MONTHS
 - b. ANY FREE STANDING STRUCTURE IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE; AND
 - c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET.

8. WIND ENERGY SYSTEMS, SMALL LIMITED TO ONE TOWER PROVIDED:
 - a. THE HEIGHT OF THE STRUCTURE TO THE TIP OF THE BLADE AT ITS HIGHEST POINT DOES NOT EXCEED 80 FEET;
 - b. ANY SYSTEM IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE;
 - c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET;
 - d. ALL ACCESS DOORS TO TOWERS AND ELECTRICAL EQUIPMENT SHALL BE LOCKABLE;
 - e. APPROPRIATE WARNING SIGNAGE IS PLACED ON THE TOWER AND ELECTRICAL EQUIPMENT;
 - f. THE BLADE TIP AT ITS LOWEST POINT HAS A GROUND CLEARANCE OF AT LEAST 25 FEET
 - g. WIND TURBINES AND TOWERS MAINTAIN A GALVANIZED STEEL, BRUSHED ALUMINUM FINISH, OR A NON-GARISH COLOR; AND

- h. ANY SMALL WIND ENERGY SYSTEM THAT IS NOT OPERATIONAL FOR A PERIOD OF 12 CONSECUTIVE MONTHS OR MORE SHALL BE REMOVED AT THE LANDOWNER'S EXPENSE.

SECTION 25. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article V, Section 12.3 (Commercial Critical Area- Special Exceptions) as follows:

5.5 SOLAR ENERGY SYSTEMS, UTILITY SCALE

7. WIND ENERGY SYSTEMS, SMALL WITH A HEIGHT THAT EXCEEDS 80 FEET

SECTION 26. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article V, Section 12.4 (Commercial Critical Area - Accessory Uses and Structures) as follows:

6. SOLAR ENERGY SYSTEMS, SMALL PROVIDED:

- a. TREE REMOVAL SHALL BE MINIMIZED AND ANY REMOVAL SHALL BE MITIGATED IN ACCORDANCE WITH THE CRITICAL AREA PROGRAM REQUIREMENTS.
- b. ALL SOLAR COLLECTION DEVICES SHALL REGISTER WITH THE DEPARTMENT OF EMERGENCY SERVICES AND SHALL SUBMIT A MAP NOTING THE LOCATION OF THE SOLAR COLLECTION DEVICES AND THE PANEL DISCONNECT.
- c. THE TOTAL HEIGHT OF SOLAR COLLECTION SYSTEMS SHALL COMPLY WITH THE HEIGHT REQUIREMENTS.

7. TEMPORARY MET TOWER OF ANY HEIGHT PROVIDED:

- a. THE TOWER IS ERECTED FOR NO MORE THAN 12 MONTHS
- b. ANY FREE STANDING STRUCTURE IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE; AND
- c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET.

8. WIND ENERGY SYSTEMS, SMALL LIMITED TO ONE TOWER PROVIDED:

- a. THE HEIGHT OF THE STRUCTURE TO THE TIP OF THE BLADE AT ITS HIGHEST POINT DOES NOT EXCEED 80 FEET;
- b. ANY SYSTEM IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE;

- c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET;
- d. ALL ACCESS DOORS TO TOWERS AND ELECTRICAL EQUIPMENT SHALL BE LOCKABLE;
- e. APPROPRIATE WARNING SIGNAGE IS PLACED ON THE TOWER AND ELECTRICAL EQUIPMENT;
- f. THE BLADE TIP AT ITS LOWEST POINT HAS A GROUND CLEARANCE OF AT LEAST 25 FEET
- g. WIND TURBINES AND TOWERS MAINTAIN A GALVANIZED STEEL, BRUSHED ALUMINUM FINISH, OR A NON-GARISH COLOR; AND
- h. ANY SMALL WIND ENERGY SYSTEM THAT IS NOT OPERATIONAL FOR A PERIOD OF 12 CONSECUTIVE MONTHS OR MORE SHALL BE REMOVED AT THE LANDOWNER'S EXPENSE.

SECTION 27. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article V, Section 13.4 (Marine - Accessory Uses and Structures) as follows:

8.5. SOLAR ENERGY SYSTEMS, SMALL PROVIDED:

- a. TREE REMOVAL SHALL BE MINIMIZED AND ANY REMOVAL SHALL BE MITIGATED IN ACCORDANCE WITH THE CRITICAL AREA PROGRAM REQUIREMENTS.
- b. ALL SOLAR COLLECTION DEVICES SHALL REGISTER WITH THE DEPARTMENT OF EMERGENCY SERVICES AND SHALL SUBMIT A MAP NOTING THE LOCATION OF THE SOLAR COLLECTION DEVICES AND THE PANEL DISCONNECT.
- c. THE TOTAL HEIGHT OF SOLAR COLLECTION SYSTEMS SHALL COMPLY WITH THE HEIGHT REQUIREMENTS.

10. TEMPORARY MET TOWER OF ANY HEIGHT PROVIDED:

- a. THE TOWER IS ERECTED FOR NO MORE THAN 12 MONTHS
- b. ANY FREE STANDING STRUCTURE IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE; AND
- c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET.

11. WIND ENERGY SYSTEMS, SMALL LIMITED TO ONE TOWER PROVIDED:

- a. THE HEIGHT OF THE STRUCTURE TO THE TIP OF THE BLADE AT ITS HIGHEST POINT DOES NOT EXCEED 80 FEET;

- b. ANY SYSTEM IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE;
- c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET;
- d. ALL ACCESS DOORS TO TOWERS AND ELECTRICAL EQUIPMENT SHALL BE LOCKABLE;
- e. APPROPRIATE WARNING SIGNAGE IS PLACED ON THE TOWER AND ELECTRICAL EQUIPMENT;
- f. THE BLADE TIP AT ITS LOWEST POINT HAS A GROUND CLEARANCE OF AT LEAST 25 FEET
- g. WIND TURBINES AND TOWERS MAINTAIN A GALVANIZED STEEL, BRUSHED ALUMINUM FINISH, OR A NON-GARISH COLOR; AND
- h. ANY SMALL WIND ENERGY SYSTEM THAT IS NOT OPERATIONAL FOR A PERIOD OF 12 CONSECUTIVE MONTHS OR MORE SHALL BE REMOVED AT THE LANDOWNER'S EXPENSE.

SECTION 28. BE IT ENACTED by the County Commissioners of Kent County, Maryland that a new subsection be added to the Kent County Land Use Ordinance, Article V, Section 14.3 (Employment Center - Special Exceptions) as follows:

- 3. WIND ENERGY SYSTEMS, SMALL WITH A HEIGHT THAT EXCEEDS 80 FEET

SECTION 29. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article V, Sections 14.4, 15.4, 16.3, and 17.3 (Employment Center, Industrial, Industrial Critical Area –LDA and Industrial Critical Area - Accessory Uses and Structures) as follows:

- 6.25 SOLAR ENERGY SYSTEMS, SMALL PROVIDED:

- a. TREE REMOVAL SHALL BE MINIMIZED AND ANY REMOVAL SHALL BE MITIGATED IN ACCORDANCE WITH THE CRITICAL AREA PROGRAM REQUIREMENTS.
- b. ALL SOLAR COLLECTION DEVICES SHALL REGISTER WITH THE DEPARTMENT OF EMERGENCY SERVICES AND SHALL SUBMIT A MAP NOTING THE LOCATION OF THE SOLAR COLLECTION DEVICES AND THE PANEL DISCONNECT.
- c. THE TOTAL HEIGHT OF SOLAR COLLECTION SYSTEMS SHALL COMPLY WITH THE HEIGHT REQUIREMENTS.

- 6.5. TEMPORARY MET TOWER OF ANY HEIGHT PROVIDED:

- a. THE TOWER IS ERECTED FOR NO MORE THAN 12 MONTHS
 - b. ANY FREE STANDING STRUCTURE IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE; AND
 - c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET.
8. WIND ENERGY SYSTEMS, SMALL LIMITED TO ONE TOWER PROVIDED:
- a. THE HEIGHT OF THE STRUCTURE TO THE TIP OF THE BLADE AT ITS HIGHEST POINT DOES NOT EXCEED 80 FEET;
 - b. ANY SYSTEM IS LOCATED A MINIMUM OF 3 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE;
 - c. TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET;
 - d. ALL ACCESS DOORS TO TOWERS AND ELECTRICAL EQUIPMENT SHALL BE LOCKABLE;
 - e. APPROPRIATE WARNING SIGNAGE IS PLACED ON THE TOWER AND ELECTRICAL EQUIPMENT;
 - f. THE BLADE TIP AT ITS LOWEST POINT HAS A GROUND CLEARANCE OF AT LEAST 25 FEET
 - g. WIND TURBINES AND TOWERS MAINTAIN A GALVANIZED STEEL, BRUSHED ALUMINUM FINISH, OR A NON-GARISH COLOR; AND
 - h. ANY SMALL WIND ENERGY SYSTEM THAT IS NOT OPERATIONAL FOR A PERIOD OF 12 CONSECUTIVE MONTHS OR MORE SHALL BE REMOVED AT THE LANDOWNER'S EXPENSE.

SECTION 30. BE IT ENACTED by the County Commissioners of Kent County, Maryland that a new subsection be added to the Kent County Land Use Ordinance, Article V, Section 15.3 (Industrial- Special Exceptions) as follows:

- 4. WIND ENERGY SYSTEMS, SMALL WITH A HEIGHT THAT EXCEEDS 80 FEET

SECTION 31. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new sections and subsections be added to the Kent County Land Use Ordinance, Article V, Sections 16 and 17 (Industrial and Industrial Critical Area) as follows:

16.2.5 SPECIAL EXCEPTIONS

THE FOLLOWING PRINCIPAL USES AND STRUCTURES MAY BE PERMITTED AS SPECIAL EXCEPTIONS IN THE INDUSTRIAL CRITICAL AREA – LDA DISTRICT, SUBJECT TO

BILL NO. 5-2011

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CAPITALS INDICATED MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

SITE PLAN REVIEW. DETAILED LIMITATIONS AND STANDARDS FOR THESE USES MAY BE FOUND IN ARTICLE VII OF THIS ORDINANCE.

1. WIND ENERGY SYSTEMS, SMALL WITH A HEIGHT THAT EXCEEDS 80 FEET

17.2.5 SPECIAL EXCEPTIONS

THE FOLLOWING PRINCIPAL USES AND STRUCTURES MAY BE PERMITTED AS SPECIAL EXCEPTIONS IN THE INDUSTRIAL CRITICAL AREA DISTRICT, SUBJECT TO SITE PLAN REVIEW. DETAILED LIMITATIONS AND STANDARDS FOR THESE USES MAY BE FOUND IN ARTICLE VII OF THIS ORDINANCE.

1. WIND ENERGY SYSTEMS, SMALL WITH A HEIGHT THAT EXCEEDS 80 FEET

SECTION 32. BE IT ENACTED by the County Commissioners of Kent County, Maryland that the Kent County Land Use Ordinance Article VI, Section 3.2.1 be and is hereby repealed; and

BE IT FURTHER ENACTED THAT A NEW SECTION is hereby enacted in lieu thereof to read as follows:

3.2. MODIFICATION OF HEIGHT REGULATIONS

1. EXCEPT WITHIN AN AREA DEFINED AS AN AIRPORT APPROACH ZONE BY THE FEDERAL AVIATION AGENCY OR IN THE KENT COUNTY AIRPORT SAFETY AREA, THE HEIGHT LIMITATIONS OF THIS ORDINANCE SHALL NOT APPLY TO:

BELFRIES	ORNAMENTAL TOWERS AND SPIRES
CHURCH SPIRES	PUBLIC MONUMENTS
CONVEYORS	SILOS AND CORN DRYERS
ELEVATOR BULKHEADS	STAGE TOWERS OR SCENERY
	LOFTS
FIRE TOWERS	TANKS
FLAG POLES	WATER TOWERS AND STAND PIPES
PERSONAL WIRELESS FACILITY, COMMERCIAL RADIO, AND TELEVISION TOWERS LESS THAN 200 FEET IN HEIGHT	WIND ENERGY SYSTEMS, SMALL WITH A HEIGHT NOT TO EXCEED 80 FEET UNLESS A SPECIAL EXCEPTION IS GRANTED.

BILL NO. 5-2011

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CAPITALS INDICATED MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

SECTION 33. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article VII, Section 7.6(Procedures) as follows:

41.25 SOLAR ENERGY SYSTEMS, UTILITY SCALE

41.5. SOLAR ENERGY SYSTEMS, UTILITY SCALE ON FARMS

46 WIND ENERGY SYSTEMS, SMALL

47. WIND ENERGY SYSTEMS, SMALL WITH A HEIGHT THAT EXCEEDS 80 FEET OR ON A LOT LESS THAN 20 ACRES

SECTION 34. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article VII, Section 7.7(Special Exceptions) as follows:

57.25 SOLAR ENERGY SYSTEMS, UTILITY SCALE ON FARMS IN AZD AND RCD PROVIDED:

- a. A SOLAR COLLECTION DEVICE OR COMBINATION OF DEVICES ARE 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.
- b. SCREENING, CAPABLE OF PROVIDING YEAR-ROUND SCREENING, IS PROVIDED ALONG ALL SIDES THAT DO NOT COLLECT ENERGY.
- c. ROOF MOUNTED SOLAR COLLECTION DEVICES SHALL NOT EXTEND MORE THAT 10 FEET FROM THE TOP OF THE ROOF. THE TOTAL HEIGHT OF THE BUILDING INCLUDING THE SOLAR COLLECTION DEVICES SHALL COMPLY WITH THE HEIGHT REGULATIONS ESTABLISHED FOR EACH ZONING DISTRICT.
- d. SOLAR COLLECTION DEVICES SHALL NOT EXCEED 38 FEET IN HEIGHT.
- e. THE SOLAR COLLECTION SYSTEM SHALL BE INCIDENTAL TO THE USE OF THE FARM.
- f. INSTALLATION OF THE SOLAR COLLECTION SYSTEM SHALL NOT ADVERSELY IMPACT ADJACENT PROPERTIES.

- g. ALL STRUCTURES ASSOCIATED WITH THE SOLAR COLLECTION SYSTEM SHALL BE NEITHER VISUALLY INTRUSIVE NOR INAPPROPRIATE TO THEIR SETTING.
- h. ALL SOLAR COLLECTION DEVICES SHALL REGISTER WITH THE DEPARTMENT OF EMERGENCY SERVICES AND SHALL SUBMIT A MAP NOTING THE LOCATION OF THE SOLAR COLLECTION DEVICES AND THE PANEL DISCONNECT.
- i. OTHER THAN WIRE SIZE, THERE SHALL BE NO ALTERATION OF UTILITY INFRASTRUCTURE TO ACCOMMODATE SYSTEM.
- j. AREA OF USE MAY NOT EXCEED 5 ACRES ONSITE. ADJACENT PROPERTIES SHALL NOT AGGREGATE SOLAR COLLECTION PANELS TO ACHIEVE AN AREA EXCEEDING 5 ACRES.
- k. IN AZD, AREA DEVELOPED BY UTILITY SCALE SOLAR ENERGY SYSTEM IS CONSIDERED DEVELOPMENT AND COUNTED TOWARD THE MAXIMUM PERCENTAGE OF THE PROPERTY IN LOTS.
- l. TREE REMOVAL SHALL BE MINIMIZED AND ANY REMOVAL SHALL BE MITIGATED IN ACCORDANCE WITH THE CRITICAL AREA PROGRAM REQUIREMENTS.
- m. THE APPLICANT SHALL DEMONSTRATE THAT A UTILITY SOLAR ENERGY SYSTEM SHALL NOT UNREASONABLY INTERFERE WITH THE VIEW OF, OR FROM, SITES OF SIGNIFICANT PUBLIC INTEREST SUCH AS PUBLIC PARKS, A NATIONAL OR STATE DESIGNATED SCENIC BYWAY, A STRUCTURE LISTED IN THE KENT COUNTY HISTORIC SITE SURVEY, AN HISTORIC DISTRICT, OR OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES.

57.5 SOLAR ENERGY SYSTEMS, UTILITY SCALE IN CC, C, AND CCA PROVIDED:

- a. A SOLAR COLLECTION DEVICE OR COMBINATION OF DEVICES ARE 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.
- b. SCREENING, CAPABLE OF PROVIDING YEAR-ROUND SCREENING, IS PROVIDED ALONG ALL SIDES THAT DO NOT COLLECT ENERGY.
- c. ROOF MOUNTED SOLAR COLLECTION DEVICES SHALL NOT EXTEND MORE THAT 10 FEET FROM THE TOP OF THE ROOF. THE TOTAL HEIGHT OF THE BUILDING INCLUDING THE SOLAR COLLECTION DEVICES SHALL COMPLY WITH THE HEIGHT REGULATIONS.
- d. SOLAR COLLECTION DEVICES SHALL NOT EXCEED 45 FEET IN HEIGHT.

- e. ALL SOLAR COLLECTION DEVICES SHALL REGISTER WITH THE DEPARTMENT OF EMERGENCY SERVICES AND SHALL SUBMIT A MAP NOTING THE LOCATION OF THE SOLAR COLLECTION DEVICES AND THE PANEL DISCONNECT.
 - f. THE APPLICANT SHALL DEMONSTRATE THAT A UTILITY SOLAR ENERGY SYSTEM SHALL NOT UNREASONABLY INTERFERE WITH THE VIEW OF, OR FROM, SITES OF SIGNIFICANT PUBLIC INTEREST SUCH AS PUBLIC PARKS, A NATIONAL OR STATE DESIGNATED SCENIC BYWAY, A STRUCTURE LISTED IN THE KENT COUNTY HISTORIC SITE SURVEY, AN HISTORIC DISTRICT, OR OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES.
63. WIND ENERGY SYSTEMS, SMALL, WITH A HEIGHT THAT EXCEEDS 80 FEET OR ON PARCELS LESS THAN 20 ACRES IN AZD, RGD, RC, RR, CAR, AND CR PROVIDED:
- a. IF AN ALTERNATIVE ENERGY SOURCE CAN PRODUCE EQUAL ENERGY, THEN THAT SHOULD BE USED RATHER THAN A TALL TOWER WHICH IMPACTS THE LANDSCAPE.
 - b. IF CO-LOCATION WITH A PERSONAL WIRELESS FACILITY IS PROPOSED, THEN A NEED FOR THE PERSONAL WIRELESS FACILITY TOWER MUST BE DOCUMENTED AND ALL APPROPRIATE STUDIES SUBMITTED. IN ADDITION, THE PROPOSED TOWER MUST COMPLY WITH ALL STANDARDS FOR BOTH WIND TURBINES AND PERSONAL WIRELESS FACILITIES.
 - c. THE APPLICANT SHALL PROVIDE A REPORT DOCUMENTING THAT THE WIND ENERGY SYSTEM DOES NOT SIGNIFICANTLY IMPACT MIGRATORY BIRD PATHWAYS.
 - d. THE WIND ENERGY SYSTEM SHALL NOT BE LOCATED WITHIN THE AIR PATH OF A PRIVATE OR PUBLIC AIR STRIP.
 - e. THE HEIGHT OF THE STRUCTURE TO THE TIP OF THE BLADE AT ITS HIGHEST POINT DOES NOT EXCEED 120 FEET.
 - f. A SMALL ENERGY SYSTEM SHALL NOT HAVE MORE THAN ONE WIND TURBINE PER PARCEL.
 - g. MONOPOLES OR LATTICE TOWERS SHALL BE THE PREFERRED TOWER STRUCTURE IN THE COUNTY.
 - h. GUY WIRES ARE STRICTLY PROHIBITED.
 - i. SMALL WIND ENERGY SYSTEMS MAY NOT BE LOCATED WITHIN THE BUFFER OR WITHIN A STREAM PROTECTION CORRIDOR.

- j. SMALL ENERGY WIND SYSTEMS SHALL NOT BE ARTIFICIALLY LIT UNLESS SUCH LIGHTING IS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION.
- k. SMALL ENERGY WIND SYSTEMS SHALL BE GALVANIZED STEEL, BRUSHED ALUMINUM FINISH, OR A NON-GARISH COLOR OR FINISH THAT CONFORMS TO THE ENVIRONMENT AND ARCHITECTURE OF THE COMMUNITY, UNLESS FEDERAL AVIATION ADMINISTRATION REGULATIONS REQUIRE OTHERWISE.
- l. ALL SIGNS, INCLUDING FLAGS, STREAMERS, AND DECORATIVE ITEMS, BOTH TEMPORARY AND PERMANENT, ARE PROHIBITED ON A SMALL ENERGY WIND SYSTEM EXCEPT THE MANUFACTURER OR INSTALLER'S IDENTIFICATION OR APPROPRIATE WARNING SIGNS OR PLACARDS.
- m. ANY FREE STANDING STRUCTURE IS LOCATED A MINIMUM OF 1.5 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE.
- n. EITHER TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET OR ARE FENCED.
- o. ALL ACCESS DOORS TO TOWERS AND ELECTRICAL EQUIPMENT SHALL BE LOCKABLE.
- p. APPROPRIATE WARNING SIGNAGE IS PLACED ON THE TOWER AND ELECTRICAL EQUIPMENT.
- q. THE BLADE TIP AT ITS LOWEST POINT HAS A GROUND CLEARANCE OF AT LEAST 25 FEET.
- r. ANY SMALL ENERGY WIND SYSTEM THAT IS NOT OPERATIONAL FOR A PERIOD OF 12 CONSECUTIVE MONTHS OR MORE SHALL BE REMOVED AT THE LANDOWNER'S EXPENSE.
- s. SMALL WIND ENERGY SYSTEMS SHALL BE SITED IN A MANNER THAT DOES NOT RESULT IN SIGNIFICANT SHADOW FLICKER.
- t. A SMALL WIND ENERGY SYSTEM, INCLUDING WIND TURBINE AND TOWER, SHALL COMPLY WITH ALL APPLICABLE CONSTRUCTION AND ELECTRICAL CODES.
- u. AUDIBLE SOUND DUE TO WIND TURBINE OPERATIONS SHALL NOT EXCEED 55 DB (A) EXCEPT DURING SHORT-TERM EVENTS SUCH AS UTILITY OUTAGES AND/OR SEVERE WINDSTORMS. THE SOUND LEVEL SHALL BE MEASURED AT GROUND LEVEL AT THE PROPERTY LINE.
- v. ANY SMALL WIND ENERGY SYSTEM FOUND TO BE UNSAFE SHALL BE REPAIRED BY THE PROPERTY OWNER TO MEET THESE REGULATIONS

AND ANY APPLICABLE FEDERAL, STATE AND LOCAL SAFETY STANDARDS OR BE PHYSICALLY REMOVED WITHIN 90 DAYS.

- w. THE APPLICANT SHALL DEMONSTRATE THAT A SMALL ENERGY WIND SYSTEM SHALL NOT UNREASONABLY INTERFERE WITH THE VIEW OF, OR FROM, SITES OF SIGNIFICANT PUBLIC INTEREST SUCH AS PUBLIC PARKS, A NATIONAL OR STATE DESIGNATED SCENIC BYWAY, A STRUCTURE LISTED IN THE KENT COUNTY HISTORIC SITE'S SURVEY, AN HISTORIC DISTRICT, OR OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES.
- x. THE FOLLOWING SUBMITTALS ARE REQUIRED FOR APPROVAL:
 - i. SITE PLAN, AT A STANDARD SCALE TO ADEQUATELY SHOW:
 - 1. PROPERTY LINES AND DIMENSIONS OF SUBJECT PROPERTY
 - 2. PROPERTY LINES AND OWNER INFORMATION FOR ALL ABUTTING PROPERTIES
 - 3. LOCATIONS OF ALL EXISTING BUILDINGS, STRUCTURES, UNDERGROUND AND OVERHEAD UTILITIES ON THE SUBJECT PROPERTY
 - 4. LOCATIONS OF ALL EXISTING BUILDINGS ON ABUTTING PROPERTIES
 - 5. LOCATION OF THE PROPOSED SMALL WIND ENERGY SYSTEM WITH DISTANCES TO SHOW REQUIRED SETBACKS
 - 6. CERTIFICATION BY A LICENSED PROFESSIONAL ENGINEER OR PROPERTY OWNER THAT THE INFORMATION SHOWN ON THE SITE PLAN IS ACCURATE
 - 7. A SHADOW FLICKER STUDY DOCUMENTING COMPLIANCE WITH SHADOW FLICKER IMPACT DEFINITION PER ARTICLE VII, SECTION 7.63.S
 - ii. THE SMALL WIND ENERGY SYSTEMS MANUFACTURER'S SPECIFICATION SHEET, INCLUDING PHOTOGRAPH, SOUND ANALYSIS AND MOUNTING RECOMMENDATIONS.
 - iii. ENGINEERING DRAWINGS SHOWING THE SMALL WIND ENERGY SYSTEM STRUCTURE, INCLUDING THE TOWER, TURBINE, BASE, AND FOOTINGS, AND AN ENGINEERING ANALYSIS SHOWING COMPLIANCE WITH THE INTERNATIONAL BUILDING CODE AND CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER. THIS ANALYSIS MAY BE SUPPLIED BY THE MANUFACTURER.

- iv. SITING ELEVATIONS, EXISTING PHOTOGRAPHY, AND A PHOTO SIMULATION FROM ALL DIRECTIONS.
 - v. ANY ADDITIONAL INFORMATION AS MAY BE REQUIRED BY THE BOARD OF APPEALS AS APPROPRIATE, TO DEMONSTRATE COMPLIANCE WITH THE REGULATIONS.
 - vi. A NARRATIVE THAT EXPLAINS HOW THE SITE WILL NOT UNREASONABLY INTERFERE WITH THE VIEW OF, OR FROM, SITES OF SIGNIFICANT PUBLIC INTEREST SUCH AS PUBLIC PARKS, A NATIONAL OR STATE DESIGNATED SCENIC BYWAY, A STRUCTURE LISTED IN THE KENT COUNTY HISTORIC SITE'S SURVEY, AN HISTORIC DISTRICT, OR OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES.
64. WIND ENERGY SYSTEMS, SMALL IN V, IV, IVGA PROVIDED:
- a. IF AN ALTERNATIVE ENERGY SOURCE CAN PRODUCE EQUAL ENERGY, THEN THAT SHOULD BE USED RATHER THAN A TALL TOWER WHICH IMPACTS THE LANDSCAPE.
 - b. IF CO-LOCATION WITH A PERSONAL WIRELESS FACILITY IS PROPOSED, THEN A NEED FOR THE PERSONAL WIRELESS FACILITY TOWER MUST BE DOCUMENTED AND ALL APPROPRIATE STUDIES SUBMITTED. IN ADDITION, THE PROPOSED TOWER MUST COMPLY WITH ALL STANDARDS FOR BOTH WIND TURBINES AND PERSONAL WIRELESS FACILITIES.
 - c. THE APPLICANT SHALL PROVIDE A REPORT DOCUMENTING THAT THE WIND ENERGY SYSTEM DOES NOT SIGNIFICANTLY IMPACT MIGRATORY BIRD PATHWAYS.
 - d. THE WIND ENERGY SYSTEM SHALL NOT BE LOCATED WITHIN THE AIR PATH OF A PRIVATE OR PUBLIC AIR STRIP.
 - e. THE HEIGHT OF THE STRUCTURE TO THE TIP OF THE BLADE AT ITS HIGHEST POINT DOES NOT EXCEED 120 FEET.
 - f. A SMALL ENERGY SYSTEM SHALL NOT HAVE MORE THAN ONE WIND TURBINE PER PARCEL.
 - g. MONOPOLES OR LATTICE TOWERS SHALL BE THE PREFERRED TOWER STRUCTURE IN THE COUNTY.
 - h. GUY WIRES ARE STRICTLY PROHIBITED.
 - i. SMALL WIND ENERGY SYSTEMS MAY NOT BE LOCATED WITHIN THE BUFFER OR WITHIN A STREAM PROTECTION CORRIDOR.

- j. SMALL ENERGY WIND SYSTEMS SHALL NOT BE ARTIFICIALLY LIT UNLESS SUCH LIGHTING IS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION.
- k. SMALL ENERGY WIND SYSTEMS SHALL BE GALVANIZED STEEL, BRUSHED ALUMINUM FINISH, OR A NON-GARISH COLOR OR FINISH THAT CONFORMS TO THE ENVIRONMENT AND ARCHITECTURE OF THE COMMUNITY, UNLESS FEDERAL AVIATION ADMINISTRATION REGULATIONS REQUIRE OTHERWISE.
- l. ALL SIGNS, INCLUDING FLAGS, STREAMERS, AND DECORATIVE ITEMS, BOTH TEMPORARY AND PERMANENT, ARE PROHIBITED ON A SMALL ENERGY WIND SYSTEM EXCEPT THE MANUFACTURER OR INSTALLER'S IDENTIFICATION OR APPROPRIATE WARNING SIGNS OR PLACARDS.
- m. ANY FREE STANDING STRUCTURE IS LOCATED A MINIMUM OF 1.5 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE.
- n. EITHER TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET OR ARE FENCED.
- o. ALL ACCESS DOORS TO TOWERS AND ELECTRICAL EQUIPMENT SHALL BE LOCKABLE.
- p. APPROPRIATE WARNING SIGNAGE IS PLACED ON THE TOWER AND ELECTRICAL EQUIPMENT.
- q. THE BLADE TIP, AT ITS LOWEST POINT HAS A GROUND CLEARANCE OF AT LEAST 25 FEET.
- r. ANY SMALL ENERGY WIND SYSTEM THAT IS NOT OPERATIONAL FOR A PERIOD OF 12 CONSECUTIVE MONTHS OR MORE SHALL BE REMOVED AT THE LANDOWNER'S EXPENSE.
- s. SMALL WIND ENERGY SYSTEMS SHALL BE SITED IN A MANNER THAT DOES NOT RESULT IN SIGNIFICANT SHADOW FLICKER.
- t. A SMALL WIND ENERGY SYSTEM, INCLUDING WIND TURBINE AND TOWER, SHALL COMPLY WITH ALL APPLICABLE CONSTRUCTION AND ELECTRICAL CODES.
- u. AUDIBLE SOUND DUE TO WIND TURBINE OPERATIONS SHALL NOT EXCEED 55 DB (A) EXCEPT DURING SHORT-TERM EVENTS SUCH AS UTILITY OUTAGES AND/OR SEVERE WINDSTORMS. THE SOUND LEVEL SHALL BE MEASURED AT GROUND LEVEL AT THE PROPERTY LINE.
- v. ANY SMALL WIND ENERGY SYSTEM FOUND TO BE UNSAFE SHALL BE REPAIRED BY THE PROPERTY OWNER TO MEET THESE REGULATIONS

AND ANY APPLICABLE FEDERAL, STATE AND LOCAL SAFETY STANDARDS OR BE PHYSICALLY REMOVED WITHIN 90 DAYS.

w. THE APPLICANT SHALL DEMONSTRATE THAT A SMALL ENERGY WIND SYSTEM SHALL NOT UNREASONABLY INTERFERE WITH THE VIEW OF, OR FROM, SITES OF SIGNIFICANT PUBLIC INTEREST SUCH AS PUBLIC PARKS, A NATIONAL OR STATE DESIGNATED SCENIC BYWAY, A STRUCTURE LISTED IN THE KENT COUNTY HISTORIC SITE'S SURVEY, AN HISTORIC DISTRICT, OR OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES.

x. THE FOLLOWING SUBMITTALS ARE REQUIRED FOR APPROVAL:

i. SITE PLAN, AT A STANDARD SCALE TO ADEQUATELY SHOW:

1. PROPERTY LINES AND DIMENSIONS OF SUBJECT PROPERTY
2. PROPERTY LINES AND OWNER INFORMATION FOR ALL ABUTTING PROPERTIES
3. LOCATIONS OF ALL EXISTING BUILDINGS, STRUCTURES, UNDERGROUND AND OVERHEAD UTILITIES ON THE SUBJECT PROPERTY
4. LOCATIONS OF ALL EXISTING BUILDINGS ON ABUTTING PROPERTIES
5. LOCATION OF THE PROPOSED SMALL WIND ENERGY SYSTEM WITH DISTANCES TO SHOW REQUIRED SETBACKS
6. CERTIFICATION BY A LICENSED PROFESSIONAL ENGINEER OR PROPERTY OWNER THAT THE INFORMATION SHOWN ON THE SITE PLAN IS ACCURATE
7. A SHADOW FLICKER STUDY DOCUMENTING COMPLIANCE WITH SHADOW FLICKER IMPACT DEFINITION PER ARTICLE VII, SECTION 7.63.S

ii. THE SMALL WIND ENERGY SYSTEMS MANUFACTURER'S SPECIFICATION SHEET, INCLUDING PHOTOGRAPH, SOUND ANALYSIS AND MOUNTING RECOMMENDATIONS.

iii. ENGINEERING DRAWINGS SHOWING THE SMALL WIND ENERGY SYSTEM STRUCTURE, INCLUDING THE TOWER, TURBINE, BASE, AND FOOTINGS, AND AN ENGINEERING ANALYSIS SHOWING COMPLIANCE WITH THE INTERNATIONAL BUILDING CODE AND CERTIFIED BY A LICENSED

PROFESSIONAL ENGINEER. THIS ANALYSIS MAY BE SUPPLIED BY THE MANUFACTURER.

- iv. SITING ELEVATIONS, EXISTING PHOTOGRAPHY, AND A PHOTO SIMULATION FROM ALL DIRECTIONS.
- v. ANY ADDITIONAL INFORMATION AS MAY BE REQUIRED BY THE BOARD OF APPEALS AS APPROPRIATE, TO DEMONSTRATE COMPLIANCE WITH THE REGULATIONS.
- vi. A NARRATIVE THAT EXPLAINS HOW THE SITE WILL NOT UNREASONABLY INTERFERE WITH THE VIEW OF, OR FROM, SITES OF SIGNIFICANT PUBLIC INTEREST SUCH AS PUBLIC PARKS, A NATIONAL OR STATE DESIGNATED SCENIC BYWAY, A STRUCTURE LISTED IN THE KENT COUNTY HISTORIC SITE'S SURVEY, AN HISTORIC DISTRICT, OR OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES.

65. WIND ENERGY SYSTEMS, SMALL WITH A HEIGHT THAT EXCEEDS 80 FEET IN CC, C, CCA, EC, I, ICA-LDA, AND ICA PROVIDED:
- a. IF AN ALTERNATIVE ENERGY SOURCE CAN PRODUCE EQUAL ENERGY, THEN THAT SHOULD BE USED RATHER THAN A TALL TOWER WHICH IMPACTS THE LANDSCAPE.
 - b. IF CO-LOCATION WITH A PERSONAL WIRELESS FACILITY IS PROPOSED, THEN A NEED FOR THE PERSONAL WIRELESS FACILITY TOWER MUST BE DOCUMENTED AND ALL APPROPRIATE STUDIES SUBMITTED. IN ADDITION, THE PROPOSED TOWER MUST COMPLY WITH ALL STANDARDS FOR BOTH WIND TURBINES AND PERSONAL WIRELESS FACILITIES.
 - c. THE APPLICANT SHALL PROVIDE A REPORT DOCUMENTING THAT THE WIND ENERGY SYSTEM DOES NOT SIGNIFICANTLY IMPACT MIGRATORY BIRD PATHWAYS.
 - d. THE WIND ENERGY SYSTEM SHALL NOT BE LOCATED WITHIN THE AIR PATH OF A PRIVATE OR PUBLIC AIR STRIP.
 - e. THE HEIGHT OF THE STRUCTURE TO THE TIP OF THE BLADE AT ITS HIGHEST POINT DOES NOT EXCEED 120 FEET.
 - f. A SMALL ENERGY SYSTEM SHALL NOT HAVE MORE THAN ONE WIND TURBINE PER PARCEL.

- g. MONOPOLES OR LATTICE TOWERS SHALL BE THE PREFERRED TOWER STRUCTURE IN THE COUNTY.
- h. GUY WIRES ARE STRICTLY PROHIBITED.
- i. SMALL WIND ENERGY SYSTEMS MAY NOT BE LOCATED WITHIN THE BUFFER OR WITHIN A STREAM PROTECTION CORRIDOR.
- j. SMALL ENERGY WIND SYSTEMS SHALL NOT BE ARTIFICIALLY LIT UNLESS SUCH LIGHTING IS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION.
- k. SMALL ENERGY WIND SYSTEMS SHALL BE GALVANIZED STEEL, BRUSHED ALUMINUM FINISH, OR A NON-GARISH COLOR OR FINISH THAT CONFORMS TO THE ENVIRONMENT AND ARCHITECTURE OF THE COMMUNITY, UNLESS FEDERAL AVIATION ADMINISTRATION REGULATIONS REQUIRE OTHERWISE.
- l. ALL SIGNS, INCLUDING FLAGS, STREAMERS, AND DECORATIVE ITEMS, BOTH TEMPORARY AND PERMANENT, ARE PROHIBITED ON A SMALL ENERGY WIND SYSTEM EXCEPT THE MANUFACTURER OR INSTALLER'S IDENTIFICATION OR APPROPRIATE WARNING SIGNS OR PLACARDS.
- m. ANY FREE STANDING STRUCTURE IS LOCATED A MINIMUM OF 1.5 TIMES ITS TOTAL HEIGHT FROM A PROPERTY LINE.
- n. EITHER TOWERS ARE NOT READILY CLIMBABLE FROM THE GROUND UP TO 12 FEET OR ARE FENCED.
- o. ALL ACCESS DOORS TO TOWERS AND ELECTRICAL EQUIPMENT SHALL BE LOCKABLE.
- p. APPROPRIATE WARNING SIGNAGE IS PLACED ON THE TOWER AND ELECTRICAL EQUIPMENT.
- q. THE BLADE TIP, AT ITS LOWEST POINT HAS A GROUND CLEARANCE OF AT LEAST 25 FEET.
- r. ANY SMALL ENERGY WIND SYSTEM THAT IS NOT OPERATIONAL FOR A PERIOD OF 12 CONSECUTIVE MONTHS OR MORE SHALL BE REMOVED AT THE LANDOWNER'S EXPENSE.
- s. SMALL WIND ENERGY SYSTEMS SHALL BE SITED IN A MANNER THAT DOES NOT RESULT IN SIGNIFICANT SHADOW FLICKER.
- t. A SMALL WIND ENERGY SYSTEM, INCLUDING WIND TURBINE AND TOWER, SHALL COMPLY WITH ALL APPLICABLE CONSTRUCTION AND ELECTRICAL CODES.
- u. AUDIBLE SOUND DUE TO WIND TURBINE OPERATIONS SHALL NOT EXCEED 55 DB (A) EXCEPT DURING SHORT-TERM EVENTS SUCH AS UTILITY OUTAGES AND/OR SEVERE WINDSTORMS. THE SOUND

LEVEL SHALL BE MEASURED AT GROUND LEVEL AT THE PROPERTY LINE.

- v. ANY SMALL WIND ENERGY SYSTEM FOUND TO BE UNSAFE SHALL BE REPAIRED BY THE PROPERTY OWNER TO MEET THESE REGULATIONS AND ANY APPLICABLE FEDERAL, STATE AND LOCAL SAFETY STANDARDS OR BE PHYSICALLY REMOVED WITHIN 90 DAYS.
- w. THE APPLICANT SHALL DEMONSTRATE THAT A SMALL ENERGY WIND SYSTEM SHALL NOT UNREASONABLY INTERFERE WITH THE VIEW OF, OR FROM, SITES OF SIGNIFICANT PUBLIC INTEREST SUCH AS PUBLIC PARKS, A NATIONAL OR STATE DESIGNATED SCENIC BYWAY, A STRUCTURE LISTED IN THE KENT COUNTY HISTORIC SITE'S SURVEY, AN HISTORIC DISTRICT, OR OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES.
- x. THE FOLLOWING SUBMITTALS ARE REQUIRED FOR APPROVAL:
 - i. SITE PLAN, AT A STANDARD SCALE TO ADEQUATELY SHOW:
 - 1. PROPERTY LINES AND DIMENSIONS OF SUBJECT PROPERTY
 - 2. PROPERTY LINES AND OWNER INFORMATION FOR ALL ABUTTING PROPERTIES
 - 3. LOCATIONS OF ALL EXISTING BUILDINGS, STRUCTURES, UNDERGROUND AND OVERHEAD UTILITIES ON THE SUBJECT PROPERTY
 - 4. LOCATIONS OF ALL EXISTING BUILDINGS ON ABUTTING PROPERTIES
 - 5. LOCATION OF THE PROPOSED SMALL WIND ENERGY SYSTEM WITH DISTANCES TO SHOW REQUIRED SETBACKS
 - 6. CERTIFICATION BY A LICENSED PROFESSIONAL ENGINEER OR PROPERTY OWNER THAT THE INFORMATION SHOWN ON THE SITE PLAN IS ACCURATE
 - 7. A SHADOW FLICKER STUDY DOCUMENTING COMPLIANCE WITH SHADOW FLICKER IMPACT DEFINITION PER ARTICLE VII, SECTION 7.63.S
 - ii. THE SMALL WIND ENERGY SYSTEMS MANUFACTURER'S SPECIFICATION SHEET, INCLUDING PHOTOGRAPH, SOUND ANALYSIS AND MOUNTING RECOMMENDATIONS.
 - iii. ENGINEERING DRAWINGS SHOWING THE SMALL WIND ENERGY SYSTEM STRUCTURE, INCLUDING THE TOWER, TURBINE, BASE, AND FOOTINGS, AND AN ENGINEERING

ANALYSIS SHOWING COMPLIANCE WITH THE INTERNATIONAL BUILDING CODE AND CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER. THIS ANALYSIS MAY BE SUPPLIED BY THE MANUFACTURER.

- iv. SITING ELEVATIONS, EXISTING PHOTOGRAPHY, AND A PHOTO SIMULATION FROM ALL DIRECTIONS.
- v. ANY ADDITIONAL INFORMATION AS MAY BE REQUIRED BY THE BOARD OF APPEALS AS APPROPRIATE, TO DEMONSTRATE COMPLIANCE WITH THE REGULATIONS.
- vi. A NARRATIVE THAT EXPLAINS HOW THE SITE WILL NOT UNREASONABLY INTERFERE WITH THE VIEW OF, OR FROM, SITES OF SIGNIFICANT PUBLIC INTEREST SUCH AS PUBLIC PARKS, A NATIONAL OR STATE DESIGNATED SCENIC BYWAY, A STRUCTURE LISTED IN THE KENT COUNTY HISTORIC SITE'S SURVEY, AN HISTORIC DISTRICT, OR OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES.

SECTION 35. BE IT ENACTED by the County Commissioners of Kent County, Maryland that new subsections be added to the Kent County Land Use Ordinance, Article XI, Section 2(Definitions) as follows:

185.5 MET TOWER: A TEMPORARY TOWER ERECTED FOR THE PURPOSE OF PERFORMING A WIND STUDY TO DETERMINE THE OPTIMAL LOCATION FOR A WIND ENERGY SYSTEM

289.5 SHADOW FLICKER: THE MOVING SHADOW CREATED BY THE SUN SHINING ON ROTATING BLADES OF THE WIND TURBINE.

301.5 SOLAR ENERGY SYSTEM, SMALL: ANY DEVICE OR COMBINATION OF DEVICES OR ELEMENTS WHICH RELY UPON DIRECT SUNLIGHT AS AN ENERGY SOURCE, INCLUDING BUT NOT LIMITED TO ANY SUBSTANCE OR DEVICE WHICH COLLECTS SUNLIGHT FOR GENERATING ENERGY FOR USE ONSITE. HOWEVER, THE ENERGY OUT PUT MAY BE DELIVERED TO A POWER GRID TO OFFSET THE COST OF ENERGY ON SITE AS WELL AS AGGREGATE METERING AS DEFINED BY THE STATE OF MARYLAND.

355.5 WIND ENERGY SYSTEM, SMALL: A WIND TURBINE MOUNTED ON A FREESTANDING WIND TOWER OR BUILDING FOR THE PURPOSE OF GENERATING ENERGY FOR USE ON SITE AND NOT FOR SALE AND INCLUDES

HOWEVER, THE ENERGY OUTPUT MAY BE DELIVERED TO A POWER GRID TO OFFSET THE COST OF ENERGY ON SITE.

SECTION 36. BE IT FURTHER ENACTED that this Act shall take effect on the 21st day of October, 2011.

Read Third Time September 6, 2011

Passed this September 6, 2011

Failure of Passage _____

By Order of:

Sondra M. Blackiston
Sondra M. Blackiston, Clerk

(SEAL)

THE COUNTY COMMISSIONERS OF KENT COUNTY

Ronald H. Fithian
Ronald H. Fithian, President

William W. Pickrum
William W. Pickrum, Member

Alexander P. Rasin
Alexander P. Rasin, Member

ORDERED a fair summary thereof of the entire bill shall be published in at least one newspaper of general circulation in the County, not less than two times at weekly intervals within a four week period.