
Introduced and read first time ______________, 2010. Ordered posted and hearing scheduled.

By order
Stephen M. LeGendre, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on ______________, 2010 and concluded on ______________, 2010.

By order
Stephen M. LeGendre, Administrator to the County Council

This Bill was read the third time ______________, 2010 and Passed __, Passed with amendments __, Failed __.

By order
Stephen M. LeGendre, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this ______________ day of ______________, 2010 at _____ a.m./p.m.

By order
Stephen M. LeGendre, Administrator to the County Council

Approved/vetoed by the County Executive on ______________, 2010.

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law. **Strikeout** indicates material deleted by amendment; **Underlining** indicates material added by amendment.
**Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the Howard County Zoning Regulations be, and they are hereby, amended as follows:

A. The following sections be, and they are hereby, amended: Section 103 “Definitions”;

Community) District”; Subsections “D” “Accessory Uses” and “H” “Conditional Uses”, of Section 127.2 “CE (Corridor Employment) District”; Subsections “D” “Accessory Uses” and “H” “Conditional Uses”, of Section 127.4 “TOD (Transit Oriented Development) District”; Subsections “C” “Accessory Uses” and “I” “Conditional Uses”, of Section 127.5 “CAC (Corridor Activity Center) District”; Subsections “D” “Accessory Uses” and “H” “Conditional Uses”, of Section 127.6 “TNC (Traditional Neighborhood Center) Overlay District”; Number 3 “Exceptions to Height Requirements”, and Subsection “A” “Supplementary Bulk Regulations” of Section 128 “Supplementary Zoning District Regulations”;

B. The following sections be, and they are hereby, repealed and reenacted without change:
Howard County Zoning Regulations

SECTION 103: Definitions

A. Except as provided for in Section 101 herein, terms used in these regulations shall have the definition provided in any standard dictionary, unless specifically defined below or in any other provision of these regulations:

179. **Small Wind Energy System, Building Mounted**: A small wind energy conversion system consisting of a vertical wind turbine and associated control or conversion electronics, which is to be located on a structure and has a rated capacity of not more than 100 kW.

180. **Small Wind Energy System, Freestanding Tower**: A wind energy conversion system consisting of a wind turbine, a freestanding tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW.
SECTION 104: RC (Rural Conservation) District

A. Purpose

The Rural Conservation District is established to conserve farmland and to encourage agricultural activities, thereby helping to ensure that commercial agriculture will continue as a long term land use and a viable economic activity within the County. The RC District is also established to preserve natural features and the rural landscape, while allowing low density, clustered residential development. Residential development is to be permitted only when it is located and designed to minimize its impact on agricultural land, farming operations, and sensitive environmental features; to create attractive rural developments; and to respect existing features of the rural landscape.

The preferred land use in the RC District is agriculture. The District is intended to permit a range of uses related to agriculture, to encourage the preservation of large blocks of farmland, and to permanently protect from development the tracts of land which remain after permitted residential development has occurred. Residential lots in the district are likely to be adjacent or close to agricultural land. Residents of property within the RC District should be prepared to accept the impacts associated with normal farming practices (see the Howard County Right-To-Farm Act in § 12.111 of the Howard County Code).

C. Accessory Uses

The following are permitted accessory uses in the RC District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

16. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.
17. SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER ON PROPERTIES 5 ACRES OR GREATER, SUBJECT TO THE REQUIREMENTS OF SECTION 128.N.

G. Conditional Uses

The following are conditional uses in the RC district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

37. SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER ON PROPERTIES LESS THAN 5 ACRES.

SECTION 105: RR (Rural Residential) District

A. Purpose

The Rural Residential District is established to allow low density residential development within a rural environment. The Rural Residential District is intended for an area of the County which is already largely committed to low density residential subdivisions. Within the RR District, agriculture is permitted as well as residential development in both cluster and non-cluster forms. Cluster development is permitted in order to protect environmental and landscape resources and to preserve agricultural land.

C. Accessory Uses

The following are permitted accessory uses in the RR District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

16. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.
G. Conditional Uses

The following are conditional uses in the RR district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

37. SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER.

SECTION 107: R-ED (Residential: Environmental Development) District

A. Purpose

The R-ED District is established to accommodate residential development at a density of two dwelling units per net acre in areas with a high proportion of sensitive environmental and/or historic resources. Protection of environmental and historic resources is to be achieved by minimizing the amount of site disturbance and directing development to the most appropriate areas of a site, away from sensitive resources. To accomplish this, the regulations allow site planning flexibility and require that development proposals be evaluated in terms of their effectiveness in minimizing alteration of existing topography, vegetation and the landscape setting for historic structures.

C. Accessory Uses

The following are permitted accessory uses in the R-ED District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

12. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, ON SINGLE-FAMILY DETACHED DWELLINGS AND NON-RESIDENTIAL STRUCTURES ONLY, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.
I. Conditional Uses

The following are conditional uses in the R-ED district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this section and Section 131, Section 131 shall prevail.

18. **SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, ON SINGLE-FAMILY ATTACHED DWELLINGS ONLY.**

19. **SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER ON PROPERTIES 5 ACRES OR GREATER.**

SECTION 108: R-20 (Residential: Single) District

A. Purpose

The R-20 District is established to permit single family detached dwelling units at approximately two units per acre. The District reflects the established single-family neighborhood characteristics of many of the stable residential areas of the county.

C. Accessory Uses

The following are permitted accessory uses in the R-20 District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

12. **SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.**

SECTION 109: R-12 (Residential: Single) District
A. Purpose

The R-12 District is established to provide single-family detached and semi-detached residential uses. The district provides a choice of housing types typically on lots less than a half acre.

C. Accessory Uses

The following are permitted accessory uses in the R-12 District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

12. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, ON SINGLE-FAMILY DETACHED DWELLINGS AND NON-RESIDENTIAL STRUCTURES ONLY, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

H. Conditional Uses

The following are conditional uses in the R-12 District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

17. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, ON SINGLE-FAMILY SEMI-DETACHED DWELLINGS ONLY.

SECTION 110: R-SC (Residential: Single Cluster) District

A. Purpose
The R-SC District is established to provide the opportunity for clustering of single family detached and attached dwellings to promote sensitive use for the land as well as to provide compatibility with other residential districts.

C. Accessory Uses

The following are permitted accessory uses in the R-SC District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

10. **Small Wind Energy System, Building Mounted, on Single-Family Detached Dwellings and Non-Residential Structures Only, Subject to the Requirements of Section 128.M.**

F. Conditional Uses

The following are conditional uses in the R-SC District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

16. **Small Wind Energy System, Building Mounted, on Single-Family Attached Dwellings Only.**

**SECTION 111: R-SA-8 (Residential: Single Attached) District**

A. Purpose

The R-SA-8 District is established to provide clustered attached dwelling units. It is the intent of this district that the attached dwellings be compatible with adjacent residential zones.
C. Accessory Uses

The following are permitted accessory uses in the R-SA-8 District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

10. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, ON SINGLE-FAMILY DETACHED DWELLINGS AND NON-RESIDENTIAL STRUCTURES ONLY, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

F. Conditional Uses

The following are conditional uses in the R-SA-8 District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

15. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, ON SINGLE FAMILY ATTACHED DWELLINGS AND APARTMENTS.


A. Purpose

The R-A-15 District is established to provide the opportunity for high density apartments and single-family attached dwelling units.

C. Accessory Uses
9. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, ON SINGLE-FAMILY
DETACHED DWELLINGS AND NON-RESIDENTIAL STRUCTURES ONLY, SUBJECT TO THE
REQUIREMENTS OF SECTION 128.M.

G. Conditional Uses

The following are conditional uses in the R-A-15 District, subject to the detailed requirements
for conditional uses given in Section 131. If there is a conflict between this Section and Section
131, Section 131 shall prevail.

13. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED ON SINGLE FAMILY
ATTACHED DWELLINGS AND APARTMENTS.

SECTION 113.3 I (Institutional) Overlay District

A. Purpose

The Institutional District (I) is established to permit community-serving institutional and cultural
facilities. These uses benefit the surrounding residential community and can provide a transition
between residential neighborhoods and retail activity centers. In order to allow appropriate uses
prior to the approval of institutional development, the Institutional District is an Overlay District.
Uses allowed in the underlying district may be established prior to approval of development
plans for institutional district development.

D. Accessory Uses

4. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE
REQUIREMENTS OF SECTION 128.M.

F. Conditional Uses
The following are conditional uses in the I district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

3. SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER.

SECTION 115: POR (Planned Office Research) District

A. Purpose

The Planned Office Research District is established to permit and encourage diverse institutional, commercial, office research and cultural facilities.

C. Accessory Uses

7. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

F. Conditional Uses

The following are conditional uses in the POR district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

4. SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER.

SECTION 116: PEC (Planned Employment Center) District
A. Purpose

The PEC District is established to provide for comprehensively planned employment centers combining research and development, office, light manufacturing and assembly, limited commercial and other enumerated uses. It is intended that this district provide higher standards of development and a more flexible approach to design and development than could be achieved under conventional zoning districts.

It is further the purpose of this district to:

1. Provide for orderly development of large-scale, comprehensively planned employment centers;

2. Provide for open areas to act as buffers between incompatible uses and as design elements which will achieve the physical and aesthetic integration of the uses and activities within each development; and

3. Provide a landscaped, campus-like setting for employment in which the various uses relate compatibly with one another according to a comprehensive plan of development for an entire district.

C. Accessory Uses

4. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

F. Conditional Uses

The following are conditional uses in the PEC district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.
SECTION 117.1: BR (Business: Rural) District

A. Purpose

The BR District is established to allow the development of businesses which will support the agricultural industry, serve the needs of the rural residential and farming communities, and provide opportunity for a combination of business and industrial uses not otherwise permitted in the rural areas of the County.

Appropriate locations for the land uses allowed in the BR District depend on factors, which are best examined through review of a particular site. Therefore, the BR District is a floating zone, which requires the submission of a Preliminary Development Plan for a particular site. It is intended that the BR District be applied at a particular location only if found to be appropriate with respect to road access and compatibility with neighboring land uses.

E. Accessory Uses

4. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

SECTION 117.2: CC (Convenience Center) District

A. Purpose

The Convenience Center District is established to permit the development of small-scale retail stores and services which are conveniently located within residential areas and developed concurrently with residential development. The Convenience Center District is intended to
permit small, low-impact uses which are designed as an integral part of a new residential
development. The CC District is also intended to provide opportunity for business uses to be
incorporated into a "Traditional Residential Neighborhood" using the elements of traditional
neighborhood design described in the Howard County General Plan.

The Convenience Center District is intended to be a "floating zone." In order to enable the
Zoning Board to evaluate the accomplishment of the purposes set forth herein, a Preliminary
Development Plan is required for each Convenience Center District.

D. Accessory Uses

3. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE
   REQUIREMENTS OF SECTION 128.M.

SECTION 117.4 CCT (Community Center Transition) District

A. Purpose

The CCT (Community Center Transition) District is established to permit community serving
office, institutional, service and cultural facilities, as well as age-restricted adult housing. These
uses serve the surrounding residential community and provide a transition between residential
neighborhoods and retail activity centers.

C. Accessory Uses

5. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE
   REQUIREMENTS OF SECTION 128.M.

F. Conditional Uses
The following are conditional uses in the CCT district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

2. SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER.

SECTION 118: B-1 (Business: Local) District

A. Purpose

The B-1 District is established to provide areas of local business that can directly serve the general public.

C. Accessory Uses

6. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

SECTION 119: B-2 (Business: General) District

A. Purpose

The B-2 District is established to provide for commercial sales and services that directly serve the general public.

C. Accessory Uses

6. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.
SECTION 120: SC (Shopping Center) District

A. Purpose

The SC District is established to permit local retail and office use areas. The Shopping Center District permits the opportunity for one stop shopping for a neighborhood and community.

C. Accessory Uses

6. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

F. Conditional Uses

The following are conditional uses in the SC district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

4. SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER.

SECTION 122: M-1 (Manufacturing: Light) District

A. Purpose

The M-1 District is established to permit a mix of manufacturing, warehousing and business uses with provisions for limited retail sales.

C. Accessory Uses
E. Conditional Uses

The following are conditional uses in the M-1 district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

11. SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER.

SECTION 123: M-2 (Manufacturing: Heavy) District

A. Purpose

The M-2 District is established to permit a mix of manufacturing, warehousing, industrial and business uses with provisions for limited retail sales.

C. Accessory Uses

8. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

E. Conditional Uses

The following are conditional uses in the M-2 District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.
SECTION 126: PGCC (Planned Golf Course Community) District

A. Purpose

The Planned Golf Course Community District is established to permit mixed use development combining recreation, residential, commercial and conference center uses while preserving 50 percent of the district as open space. It is the purpose of the PGCC District to integrate recreational uses, including at least two eighteen-hole golf courses, with residential development and to provide a variety of housing choices.

C. Accessory Uses

1. The following are permitted as accessory uses to residential uses in the PGCC District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

J. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

1. Conditional Uses

The following are conditional uses in the PGCC District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

3. SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER.
SECTION 127.1: PSC (Planned Senior Community) District

A. Purpose

The Planned Senior Community District is established to permit the development of housing designed for older adults and elderly persons. This floating and overlay district provides opportunity for housing that meets the diverse needs of Howard County’s growing senior population. Each Planned Senior Community District will provide independent living units for seniors within either single-family or multifamily dwellings, and may also include assisted living or nursing care facilities. The communities developed within the PSC District will be characterized by careful site planning that allows them to be compatible with eastern Howard County’s residential neighborhoods.

E. Accessory Uses

3. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

SECTION 127.2: CE (Corridor Employment) District

A. Purpose

This district is intended to encourage the development and redevelopment of unused or underutilized land near U.S. Route 1. Development in the CE district should provide for new office, flex, and light industrial uses, while reducing the spread of strip commercial development and encouraging consolidation of fragmented parcels. The requirements of this district, in conjunction with the Route 1 Manual, will result in development that improves the appearance of the Route 1 streetscape, enhances traffic safety and better accommodates public transit and pedestrian travel.
Many parcels in the CE district were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the CE district. The intent of this district will be achieved by bringing sites into compliance with these requirements and the standards of the Route 1 Manual as uses are redeveloped or expanded.

**D. Accessory Uses**

4. **Small Wind Energy System, Building Mounted, subject to the requirements of Section 128.M.**

**H. Conditional Uses**

The following are conditional uses in the CE District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

2. **Small Wind Energy System, Freestanding Tower.**

**SECTION 127.4: TOD (Transit Oriented Development) District**

**A. Purpose**

This district provides for the development and redevelopment of key parcels of land within 3,500 feet of a MARC Station. The TOD district is intended to encourage the development of multistory office centers that are located and designed for safe and convenient pedestrian access by commuters using the MARC TRAINS and other public transit links. For larger sites of at least 3 acres, well-designed multi-use centers combining office and high-density residential development are encouraged. The requirements of this district, in conjunction with the Route 1 Manual, will result in development that makes use of the commuting potential of the MARC system, creates attractive employment or multi-use centers, and provides for safe and convenient pedestrian travel.
Many parcels in the TOD district were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the TOD district. The intent of this district will be achieved by bringing sites into compliance with these requirements and the standards of the Route 1 Manual as uses are redeveloped or expanded.

D. Accessory Uses

5. **Small Wind Energy System, Building Mounted, Subject to the Requirements of Section 128.M.**

H. Conditional Uses

The following are conditional uses in the TOD District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

2. **Small Wind Energy System, Freestanding Tower.**

**SECTION 127.5 CAC (Corridor Activity Center) District**

A. Purpose

This district is intended to provide for the development of pedestrian-oriented, urban activity centers with a mix of retail, service, office and residential uses. These centers should be located near to Route 1 and close to residential communities that will benefit from a pedestrian-oriented local business area. The requirements of this district, in conjunction with the Route 1 Manual and the public improvements recommended by the Route 1 Corridor Revitalization Study, will result in development that will strengthen nearby communities, provide for safe and convenient pedestrian travel, and improve the streetscape of Route 1 and intersecting roads.
Many parcels in the CAC district were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the CAC district. The intent of this district will be achieved by bringing the sites into compliance with these requirements and the standards of the Route 1 Manual as uses are expanded or redeveloped.

C. Accessory Uses

6. **Small Wind Energy System, Building Mounted, subject to the requirements of Section 128.M.**

I. Conditional Uses

The following are conditional uses in the CAC District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

3. **Small Wind Energy System, Freestanding Tower.**

**SECTION 127.6: TNC (TRADITIONAL NEIGHBORHOOD CENTER) OVERLAY DISTRICT**

A. PURPOSE

This district is intended to provide for the development of pedestrian-oriented, urban activity centers with a mix of retail, service, office and residential uses. These centers should be located near Route 40 and close to residential communities that will benefit from a pedestrian-oriented local business area. The requirements of this district, in conjunction with the Route 40 Manual and the public improvements recommended by the Route 40 Enhancement Study, will result in
development that will strengthen nearby communities, provide for safe and convenient pedestrian travel, and improve the streetscape of Route 40 and intersecting roads.

Sites within the TNC Overlay may continue to be used, developed and redeveloped in accordance with the underlying zoning. The intent of this district is to provide an alternative method of development for property owners who choose to comply with the Route 40 Manual and the requirements of this district. Development complying with the TNC district requirements will be permitted to include residential development and will have greater flexibility in some bulk requirements.

D. Accessory Uses

5. SMALL WIND ENERGY SYSTEM, BUILDING MOUNTED, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.

H. Conditional Uses

The following are conditional uses in the TNC District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

3. SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER.

SECTION 128: Supplementary Zoning District Regulations

A. Supplementary Bulk Regulations

3. Exceptions to Height Requirements
d. The following are exempt from height limitations in all residential districts except the RVH District, including residential areas of the NT, MXD and PGCC Districts: spires, steeples, belfries, chimneys, stacks, flag poles, monuments, observation towers, [[windmills,]] barns, silos, water storage structures, antennas, communication towers, and lines, poles and other supporting structures for electric, telephone or cable television transmission or distribution. Observation towers, silos and ground-mounted antennas (not including satellite dish antennas) shall be set back from lot lines a distance equal to their height as measured from ground level. (See Section 128.E for additional requirements for antennas and communication towers.)

M. SMALL WIND ENERGY SYSTEMS, BUILDING MOUNTED

THE FOLLOWING REQUIREMENTS APPLY TO SMALL WIND ENERGY SYSTEMS, BUILDING MOUNTED LOCATED IN THE FOLLOWING DISTRICTS AS AN ACCESSORY USE: RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, I, POR, PEC, BR, CC, CCT, B-1, B-2, SC, M-1, M-2, PGCC, CE, TOD, CAC, MXD, PSC, TNC, AND NT PROVIDED:

1. THE SYSTEMS SHALL BE PRIMARILY INTENDED TO REDUCE THE ON-SITE CONSUMPTION OF UTILITY POWER.

2. THE SYSTEMS ARE PERMITTED ONLY ON THE PRINCIPAL STRUCTURE IN RESIDENTIAL ZONING DISTRICTS.

3. THE SYSTEMS SHALL BE LOCATED ON THE ROOF OR SIDES OF A STRUCTURE THAT ARE AT LEAST 25 FEET IN HEIGHT.

4. THE SYSTEMS SHALL COMPLY WITH THE PRINCIPAL BUILDING SETBACKS.
5. **The height of the System shall not extend more than 15 feet above the ridge of the highest roof section.**

6. **Only one System per lot is permitted as an accessory use on properties less than 3 acres in area.**

7. **Only one System is permitted per building side as an accessory use on properties 3 acres or greater in area.**

8. **The systems shall not exceed 60 dBA, as measured at all lot lines. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.**

9. **All Systems shall be gray or a similar color that minimizes visibility.**

10. **No exterior lighting is permitted.**

11. **The Systems shall comply with all applicable local, state, and federal laws and provisions.**

12. **Meteorological Towers, solely for the measurement of wind, temporary or otherwise, are not permitted.**

13. **A System that is no longer used shall be removed from the site within one year of the date that the use ceases.**

14. **No variances or administrative adjustments shall be granted to any of the provisions.**

15. **In the NT District, Systems are not permitted on single family attached or multi-family dwellings unless allowed by the FDP.**
N. SMALL WIND ENERGY SYSTEMS, FREESTANDING TOWER

The following requirements apply to Small Wind Energy Systems, Freestanding Tower, located in the RC district as an accessory use provided:

1. The systems shall be primarily intended to reduce the on-site consumption of utility power.

2. The maximum height for the tower mounted systems, including blades, shall not exceed 60 feet from grade. However, on farms greater than 25 acres the maximum height for tower mounted systems, including blades, shall not exceed 120 feet from grade.

3. The minimum lot size shall be at least 5 acres.

4. The system shall not be located within the front yard between the principal structure and the front property line.

5. The minimum setback for a system shall equal its total height, plus 10 percent from any property line.

6. The systems shall not exceed 60 dBA, as measured at all lot lines. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

7. Temporary Meteorological Towers, solely for the measurement of wind, are permitted for a period not to exceed 90 days, provided they meet the height and setback requirements of this section and achieve a Temporary Use permit in accordance with Section 132. No extensions of the Temporary Use permit shall be granted.
8. The blade of any wind turbine shall, at its lowest point, have a ground clearance of no less than 15 feet, as measured at the lowest point of the arc of the blades.

9. No other equipment unrelated to the operation of the system shall be attached to the structure.

10. No exterior lighting is permitted, unless required by the Federal Aviation Administration.

11. The system shall comply with all applicable local, state, and federal laws and provisions.

12. A system that is no longer used shall be removed from the site within one year of the date that the use ceases.

13. No variances or administrative adjustments shall be granted to any of the provisions.

SECTION 131: Conditional Uses

A. Statement of Legislative Intent

Conditional uses are authorized in specified zoning districts based on the presumption that they are generally appropriate and compatible in the specified districts. However, particular uses in particular locations may have characteristics or impacts that are not typical. Conditional uses are not permitted automatically, but are subject to the regulations of this section and the conditions imposed by the Board of Appeals upon approval of the proposed development.
N. Conditional Uses and Permissible Zoning Districts

The Hearing Authority may grant conditional uses in the specified districts in accordance with the following minimum criteria.

48. SMALL WIND ENERGY SYSTEMS, BUILDING MOUNTED

A conditional use may be granted in the R-ED, R-12, R-SC, R-SA-8, and R-A-15 ZONING DISTRICTS FOR BUILDING MOUNTED SMALL WIND ENERGY SYSTEMS AS DEFINED IN THESE REGULATIONS, PROVIDED:

1. THE SYSTEMS SHALL BE PRIMARILY INTENDED TO REDUCE THE ON-SITE CONSUMPTION OF UTILITY POWER.

2. THE SYSTEMS ARE PERMITTED ONLY ON THE PRINCIPAL STRUCTURE.

3. THE SYSTEMS SHALL BE LOCATED ON THE ROOF OR SIDES OF A STRUCTURE THAT ARE AT LEAST 25 FEET IN HEIGHT.

4. THE SYSTEMS SHALL COMPLY WITH THE PRINCIPAL BUILDING SETBACKS.

5. THE HEIGHT OF THE SYSTEM SHALL NOT EXTEND MORE THAN 15 FEET ABOVE THE RIDGE OF THE HIGHEST ROOF SECTION.

6. IN THE R-ED AND R-SC DISTRICTS SYSTEMS ARE ONLY PERMITTED ON SINGLE-FAMILY ATTACHED DWELLINGS.

7. IN THE R-12 DISTRICTS SYSTEMS ARE ONLY PERMITTED ON SEMI-DETACHED DWELLINGS.

8. ONLY ONE SYSTEM PER LOT IS PERMITTED ON PROPERTIES LESS THAN 3 ACRES IN AREA.
9. **Only one system is permitted per building side on properties 3 acres or greater in area.**

10. **The systems shall not exceed 60 dBA, as measured at all lot lines. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.**

11. **All systems shall be gray or a similar color that minimizes visibility.**

12. **No exterior lighting is permitted.**

13. **The systems shall comply with all applicable local, state, and federal laws and provisions.**

14. **Meteorological towers, solely for the measurement of wind, temporary or otherwise, are not permitted.**

15. **A system that is no longer used shall be removed from the site within one year of the date that the use ceases.**

49. **Small wind energy systems, freestanding tower**

A conditional use may be granted in the **RC, RR, R-ED, I, POR, PEC, CCT, SC, M-1, M-2, PGCC, CE, TOD, TNC, and CAC** zoning districts for small wind energy systems, **free standing tower** as defined in these regulations, provided:

1. **The systems shall be primarily intended to reduce the on-site consumption of utility power.**

2. **Maximum height for tower mounted systems, including blades, shall not exceed 60 feet from grade. However, on farms greater than 25 acres the**
MAXIMUM HEIGHT FOR TOWER MOUNTED SYSTEMS, INCLUDING BLADES, SHALL NOT EXCEED 480 FEET FROM GRADE.

3. THE MINIMUM LOT SIZE SHALL BE AT LEAST 2 ACRES, EXCEPT IN THE R-ED DISTRICT WHERE THE MINIMUM LOT SIZE SHALL BE 5 ACRES.

4. THE SYSTEM SHALL NOT BE LOCATED WITHIN THE FRONT YARD BETWEEN THE PRINCIPAL STRUCTURE AND THE FRONT PROPERTY LINE.

5. THE MINIMUM SETBACK FOR A SYSTEM SHALL EQUAL ITS TOTAL HEIGHT, PLUS 10 PERCENT FROM ANY PROPERTY LINE.

6. THE SYSTEMS SHALL NOT EXCEED 60 dBA, AS MEASURED AT ALL LOT LINES. THE LEVEL, HOWEVER, MAY BE EXCEEDED DURING SHORT-TERM EVENTS SUCH AS UTILITY OUTAGES AND/OR SEVERE WIND STORMS.

7. TEMPORARY METEOROLOGICAL TOWERS, SOLELY FOR THE MEASUREMENT OF WIND, ARE PERMITTED FOR A PERIOD NOT TO EXCEED 90 DAYS, PROVIDED THEY MEET THE HEIGHT AND SETBACK REQUIREMENTS OF THIS SECTION AND ACHIEVE A TEMPORARY USE PERMIT IN ACCORDANCE WITH SECTION 132. NO EXTENSIONS OF THE TEMPORARY USE PERMIT SHALL BE GRANTED.

8. THE BLADE OF ANY WIND TURBINE SHALL, AT ITS LOWEST POINT, HAVE A GROUND CLEARANCE OF NO LESS THAN 15 FEET, AS MEASURED AT THE LOWEST POINT OF THE ARC OF THE BLADES.

9. NO OTHER EQUIPMENT UNRELATED TO THE OPERATION OF THE SYSTEM SHALL BE ATTACHED TO THE STRUCTURE.

10. NO EXTERIOR LIGHTING IS PERMITTED, UNLESS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION.
11. The system shall comply with all applicable local, state, and federal laws and provisions.

12. A system that is no longer used shall be removed from the site within one year of the date that use ceases.

Section 2. Be it further enacted by the County Council of Howard County, Maryland, that the remainder of sections amended above be renumbered accordingly.

Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland, that the Director of the Department of Planning and Zoning is authorized to publish this Act, to correct obvious errors in section references, numbers and references to existing law, capitalization, spelling, grammar, headings and similar matters and to publish a table of contents.

Section 34. And be it further enacted by the County Council of Howard County, Maryland, that the provisions of this act shall become effective 61 days after enactment.