

Allegany County Solar and Wind Zoning

This document provides a compilation of excerpts from the Allegany County Code applicable to the siting of solar and wind projects. Specifically, the excerpts include definitions of solar and wind projects, zoning exclusions, use regulations, and setback and height regulations for solar and wind structures.

Guidance for Viewing Excerpts

SOLAR

Summary

- The Allegany County Code defines large-scale solar projects as a "Solar Energy System as Primary Use." The Code also distinguishes between large-scale solar systems that are used on "brownfield" land, reclaimed, or abandoned surface mining land.
 - Permitted use in Agricultural (A), Conservation (C), and Industrial (I) zoning districts.
 - In general: permitted, by special exception of the Board of Zoning Appeals and subject to conditions, in the A, C, and I zoning districts.
 - If on "brownfield" land, reclaimed, or abandoned surface mining land: permitted, subject to conditions, in the A and C zoning districts, and permitted by special exception of the Board of Zoning Appeals in the I zoning district.

Relevant Sections of the Allegany County Code

- **Chapter 360: Land Development: Part 4 Zoning:**
 - Section 360-59: Definition for "SES" and "SES as Primary Use."
 - Section 360-109: Supplementary use regulations for "SES as Primary Use."
 - Attachment 2, Table 1, Table of Permissible Uses: "Solar energy systems as primary use on 'brownfield' land, reclaimed, or abandoned surface mining land" and "Solar energy systems as primary use" (Attachment 2:3)

SMALL SOLAR

Summary

- The Allegany County Code defines small-scale solar projects as “Solar Energy Systems Accessory to Nonresidential Use” or “Solar Energy Systems Accessory to Residential Use.” “Solar Energy Systems Utilizing Thermal Energy Production” projects are also classified as small-scale under the County Code.
 - Solar Energy System Accessory to Residential Use: permitted use, subject to conditions, in all zoning districts.
 - Solar Energy System Utilizing Thermal Energy Production: permitted use, by special exception of the Board of Zoning Appeals and subject to conditions, in District I.

Relevant Sections of the Allegany County Code

- **Chapter 360: Land Development: Part 4 Zoning:**
 - Section 360-59: Definition for "SES."
 - Section 360-110: Supplementary use regulations for residential use of accessory SES.
 - Section 360-111: Supplementary use regulations for nonresidential use of accessory SES.
 - Section 360-112: SES utilizing thermal production of energy
 - Attachment 2, Table 1, Table of Permissible Uses: “Solar energy systems accessory to nonresidential use”, “Solar energy systems accessory to residential use”, and “Solar energy systems utilizing thermal production of energy” (Attachment 2:3)

WIND

Summary

- The Allegany County Code defines Industrial Wind Farms as a cluster of Industrial Wind Energy Conversion Systems (IWECS), i.e., wind chargers, windmills, or wind turbines used to produce energy intended for sale to large-scale energy providers through the electrical grid system. IWECS and Industrial Wind Farms are subject to the same zoning and use regulations.
 - Permitted use, by special exception of the Board of Zoning Appeals and subject to conditions, in the Agricultural (A) and Conservation (C) zoning districts.

Relevant Sections of the Allegany County Code

- **Chapter 360: Land Development: Part 4 Zoning:**
 - Section 360-59: Definition for "IWECS", "Industrial Wind Farms", "Wind Energy Device", and "Wind Turbine."
 - Section 360-107: Supplementary use regulations for IWECS.
 - Section 360-108: Supplementary use regulations for Industrial Wind Farms.
 - Attachment 2, Table 1, Table of Permissible Uses: "Industrial wind energy conversion systems (IWECS)" and "Industrial wind farms." (Attachment 2:3)

SMALL WIND

Summary

- The Allegany County Code defines a small-scale wind project as either an "Agricultural or Domestic Wind Energy Device," i.e., a single wind energy device situated in an agricultural or residential setting, respectively, intended to utilize wind power for the use of the individual landowner of the property where the device is situated.
- The Allegany County Code does not have specific zoning districts designated for the development of Agricultural or Domestic Wind Energy Devices; however, the Code does provide information regarding height and setback distance requirements for these projects.

Relevant Sections of the Allegany County Code

- **Chapter 360: Land Development: Part 4 Zoning:**
 - Section 360-59: Definition for "Domestic Wind Energy Device", "Wind Energy Device", "Wind Turbine", and "Agricultural Wind Energy Devices."
 - Attachment 3, Table 4, Special Setback and Height Requirements: "Wind energy conversion system (WECS) - both agricultural and domestic" (Attachment 3:2)

**Part 4
Zoning**

[Added 3-9-2017 by Bill No. 2-17, effective 4-24-2017[1]]

**ARTICLE XIII
General Provisions****§ 360-58. Purpose and authority.**

- A. Purpose. This Part 4 is intended to regulate land use, the size of lots and the location, size and use of buildings and other structures for the purpose of providing sufficient and appropriate amounts of land for business and industry, residential use, public and private institutions, agriculture, open space and other purposes; and to ensure that these uses are consistent with the policies and recommendations of the Allegany County Comprehensive Plan and to provide for the harmonious and orderly development of the County in a manner which preserves the natural environment and the quality of life of its citizens.
- B. Authority. This Part 4 is adopted under the authority of and in compliance with the provisions of the Land Use Article of the Annotated Code of Maryland.
- C. Jurisdiction. This Part 4 shall apply to the unincorporated area of Allegany County.
- D. Severability. It is hereby declared to be the intention of the Allegany County Board of County Commissioners that the sections, paragraphs, sentences, clauses, and phrases of this code are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgement or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this code since the same would have been enacted without the incorporation into this code of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.
- E. No use of land or buildings except in conformity with code provisions.
 - (1) Subject to Article XIX, Nonconforming Uses, of this code, no person may use or occupy any land or buildings or authorize or permit the use or occupancy of land or buildings under

1. Editor's Note: This Bill Also Repealed Former Part 4, Zoning, Added 12-12-1996, Effective 1-13-1997, As Amended.

his control except in accordance with all of the applicable provisions of this code.

- (2) For the purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

§ 360-59. Definitions and word usage.

- A. All definitions applicable to this Part 4 are contained in code Appendix I, Stormwater Management Definitions.²
- B. Terms defined. As used in this Part 4, the following terms shall have the meanings indicated:
- (1) Zoning terms and definitions.

ACCESSORY STRUCTURE — A detached structure on the same parcel of property as the principle structure, the use of which is incidental to the principle structure. Includes private garages, private swimming pools, storage buildings, carports, on-site communication structures and other essential service structures. Does not include mobile homes.

ADULT BOOKSTORE — A business establishment open to the public, or to members, that offers for sale or rental any printed, recorded, photographed, filmed or otherwise viewable material, or any sexually oriented paraphernalia or aid, if a substantial portion of the stock or trade is characterized by an emphasis on matters depicting, describing or relating to sexual activities.

ADULT LIVE ENTERTAINMENT USE — A commercial use or club involving employees, contractors or other workers displaying uncovered male or female genitals or nude female breasts related to some form of monetary compensation paid to the entity operating the use or to persons involved in such display.

ADULT THEATER — A business establishment open to the public, or to members, that maintains display devices for viewing on the premises films, videos or other viewable material, if a substantial portion of the stock or trade is characterized by an emphasis on matters depicting, describing or relating to sexual activities.

2. Editor's Note: Appendix I is included as an attachment to this chapter.

SEWER SYSTEM — Includes community and major systems as defined by COMAR 26.04.03.

SHOPPING CENTER — A building or collection of structures containing several major commercial uses on the same parcel or site served by common utility systems and parking facilities.

SINGLE-FAMILY DWELLING — A detached dwelling unit, including manufactured double-wide mobile homes 22 feet or greater in width and industrial modular homes intended to house one family. In the R-1 District, manufactured double-wide mobile homes are to be placed on a permanent, fully enclosed foundation (i.e., crawl space or basement) and must have a gabled roof the entire length of the structure.

SITE PLAN — A plan showing the layout of a proposed use or building; includes minor, standard and major site plans.

SMALL-SCALE PRODUCT DEVELOPMENT AND TECHNOLOGICAL INNOVATION ENTERPRISES — A land use that includes research and design and other light manufacturing.

SOLAR ENERGY SYSTEMS — Panels or other solar energy devices, the primary purpose of which is to provide for the collection, inversion, storage and distribution of solar energy for electricity generation, space heating, space cooling or water heating. Solar panels designed and utilized for heating swimming pools are not considered to be solar energy systems.

SOLAR ENERGY SYSTEMS AS PRIMARY USE — An energy generation facility or area of land used primarily to convert solar energy into electricity.

SOLID WASTE PROCESSING/RESOURCE RECOVERY FACILITY — A place or facility where a combination of structures, machinery or devices is used to reduce or alter the volume, chemical or physical characteristics of solid waste. The component materials of solid waste may also be recovered for use as raw materials or energy sources. A solid waste processing/resource recovery facility may be associated with a solid waste transfer station. For the purposes of this Part 4, solid waste collection and recycling collection centers are not considered solid waste processing/resource recovery facilities. (Solid waste processing/resource recovery facilities are also subject to regulation by the

TRUCK TERMINAL — A structure or land used or intended to be used primarily to accommodate the transfer of goods or chattels from trucks or truck trailers to other trucks or truck trailers or to vehicles of other types, in order to facilitate the transportation of such goods or chattels; or for truck or truck trailer storage. A truck terminal may include, as incidental uses only, sleeping quarters and other facilities for trucking personnel, facilities for the service or repair of vehicles, or necessary space for the transitory storage of goods or chattels. The term "trucking facilities" includes facilities for the storage of freight-shipping containers. Land used for the parking, storage or repair of trucks used as an accessory to a lawful business or industrial use of the land that such parking or storage area forms a part of shall not be considered a trucking facility within the meaning of this definition.

VEGETATIVE BUFFER — A vegetated area designated to protect a stream or other feature from impervious surfaces. Vegetation may include any type of vegetation, including grass.

VEHICLE TOWING AND STORAGE FACILITY — A lot or parcel arranged and dedicated to the purposes of conducting towing services for automobiles and other vehicles and/or commercial storage of vehicles and unmotorized conveyances. The use may also include an impound yard. Authorized use does not include the dismantling and/or salvaging activities or the storage of parts, scrap metal, etc. The use may also be accessory to existing auto sales, lots, auto repair shops, service stations, truck stops, and truck terminals.

WATER SYSTEM — Includes community and major systems as defined by COMAR 26.04.03.

ZONING VARIANCE — A change of density, bulk or area requirements, with respect to the location of a building or a use on a lot of record, where the physical or natural character of the lot would otherwise preclude the use of the lot.

- (2) Wind energy definitions are as follows.

AGRICULTURAL WIND ENERGY DEVICE — A single wind energy device situated in an agricultural setting that is designed and intended to utilize wind power to generate electricity or, in the case of certain agricultural applications, to power equipment or machinery, such as pumps, gears,

wheels, mills, or similar mechanical devices incidental to farming. Energy produced by such devices is primarily intended for the use of the individual landowner upon whose property the device is situated.

DOMESTIC WIND ENERGY DEVICE — A single wind energy device situated in a residential setting that is designed and intended to utilize wind power to generate electricity primarily for the use and/or benefit of the individual landowner upon whose property the device is situated.

INDUSTRIAL WIND ENERGY CONVERSION SYSTEMS (IWECS) — An aggregation of parts, including the base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy, i.e., wind charger, windmill or wind turbine. The energy produced by such systems is intended for sale to large-scale energy providers through the electrical grid system.

INDUSTRIAL WIND FARM — (also referred to as "ARRAY.") Area arranged and dedicated to the construction and maintenance of more than one wind energy conversion system. The energy produced by such systems is intended for sale to large-scale energy providers through the grid system.

WIND ENERGY DEVICE — A wind energy conversion device (usually a turbine) that produces electricity. Turbines are typically manufactured as horizontal axis or vertical axis. Wind energy devices can be classified as industrial, agricultural, or domestic. See "industrial wind energy conversion systems," "agricultural wind energy device," and "domestic wind energy conversion systems."

WIND TURBINE — See "wind energy device."

C. Word usage.

- (1) The words "shall" and "will" are always mandatory, and the words "may" and "should" are permissive.
- (2) The word "includes" does not limit a term to the specified examples but is intended to extend the term's meaning to all other instances or circumstances of like kind or character.
- (3) The word "person" includes an individual, a corporation, a partnership and incorporated association or any similar entity.

A, and C Districts, subject to the conditions set forth in § 360-138 of this code.

§ 360-107. Industrial wind energy conversion systems (IWECS).

Industrial wind energy conversion systems (IWECS) may be permitted as a special exception by the Board of Appeals in the A and C Districts, subject to the following conditions:

- A. Minimum separation distances. The following separation distances shall be maintained for industrial wind energy conversion systems:
- (1) One thousand feet from any structure not the property of the applicant, provided that the structure includes no less than 600 square feet of occupiable space.
 - (2) Two thousand feet from any residential structure.
 - (3) Five thousand feet from all schools.
 - (4) Five thousand feet from any site listed on the National Register of Historic Places.
 - (5) One thousand feet from the habitats of rare, threatened, or endangered (RTE) species as delineated on the Department of Natural Resources (DNR), Heritage Division, Environmentally Significant Areas (ESAs) maps.
 - (6) Special exception applications for industrial WECS within 5,000 feet of the habitats of documented federally endangered species shall include review and compliance documents from the United States Fish and Wildlife Services. Acceptable documents include: finding of no significant impact (FONSI), environmental assessment (EA), or environmental impact statement (EIS).
 - (7) Applicants opting to participate and abide by the recommendations of a DNR environmental review shall be exempt from the provisions of Subsection A(5).
 - (8) Pursuant to the provisions of §§ 360-63C and 360-141, and with written authorization of all property owners within the prescribed separation area, applicants may seek a variance in the required minimum separation distance prescribed in Subsection A(1) and (2) herein. At the discretion of the Board

of Appeals, variance applications may be heard in conjunction with the special exception hearing.

- (9) If the Board of Appeals finds that concerns regarding health, safety and welfare warrant additional separation, the Board may, at its discretion, increase prescribed separation distances by up to 50%.

B. Setback requirements. The following setback requirements shall be required for all industrial wind energy conversion systems:

- (1) Each individual IWECS with a height less than 200 feet shall observe a minimum setback distance equal to no less than 1.0 times the height of the unit. Setback distances shall be measured from the base of the unit to property boundaries in all directions. Unit height shall be determined by measuring the unit from ground level at the base of the structure to the top of the nacelle.
- (2) Each individual IWECS with a height greater than 200 feet, but less than 300 feet, shall observe a minimum setback distance equal to no less than 2.0 times the height of the unit. Setback distances shall be measured from the base of the unit to property boundaries in all directions. Unit height shall be determined by measuring the unit from ground level at the base of the structure to the top of the nacelle.
- (3) Each individual IWECS with a height greater than 300 feet shall observe a minimum setback distance equal to no less than 3.0 times the height of the unit. Setback distances shall be measured from the base of the unit to property boundaries in all directions. Unit height shall be determined by measuring the unit from ground level at the base of the structure to the top of the nacelle.
- (4) Pursuant to the provisions of §§ 360-63C and 360-141, and with written authorization of all affected property owners, applicants may seek a variance of up to 50% of the required minimum setback prescribed herein.
 - (a) "Affected property owners" shall be defined as owners of land adjoining parcels whose boundaries are the subject of the variance application.
 - (b) At the discretion of the Board of Appeals, variance applications may be heard in conjunction with the special exception hearing.

- (c) If the Board's findings determine that a variance is warranted, any setback reduction which is authorized shall be instead of, not in addition to, any reductions which were authorized under the administrative adjustment provisions of Subsection F herein.
 - (5) If the Board of Appeals finds that concerns regarding health, safety and welfare warrant additional setbacks, the Board may, at its discretion, increase prescribed setback distances by up to 50%.
- C. Electromagnetic interference.
- (1) All applicants for industrial wind energy conversion systems shall be required to prepare and submit an electromagnetic interference analysis (EIA), which shall be performed at the applicant's expense and in accordance with guidelines established by the Zoning Administrator.
 - (2) Copies of the completed EIA shall be submitted to the following for comment:
 - (a) Allegany County Office of Emergency Management.
 - (b) Allegany County Department of Public Safety.
 - (c) All municipalities within a five-mile radius.
 - (d) All emergency responders within a one-mile radius, including police, fire, and rescue.
 - (e) Maryland State Police.
 - (f) Allegany County Sheriff's Office.
 - (g) Owners of all telecommunications towers within a five-mile radius.
 - (h) All radio stations operating within Allegany County or within a five-mile radius if located outside of Allegany County.
 - (i) All radio, television, or satellite transmission entities with on-the-ground facilities, including transmissions towers, within Allegany County.
 - (j) All television stations operating within Allegany County or within a five-mile radius if located outside of Allegany County.

- (k) Federal Communications Commission.
- (l) Federal Aviation Administration.
- (3) A copy of the EIA shall be placed in all branches of the Allegany County Public Library and shall be posted on the Allegany County government website.
- (4) The applicant shall be required to abide by the recommendations and conditions of the EIA and shall be required to satisfactorily address any concerns identified in the EIA.
- (5) All entities identified in Subsection C(2) shall have 90 calendar days from the date of filing of the EIA to provide comments to the Allegany County Office of Land Development Services.
- (6) The Zoning Administrator may impose additional conditions, including the elimination or reconfiguration of all or any part of the proposed project on the basis of the EIA and the responses received from the interested agencies identified in Subsection C(2).
- (7) Prior to receiving authorization for the construction of IWECs devices, the applicant shall post bond in the amount of \$100,000 to cover the costs of preparation of subsequent EIAs. Such subsequent EIAs shall be prepared under the direction and management of the Zoning Administrator in the event that there are reasonable complaints of electromagnetic interference after construction of the project. The applicant shall conform to all recommendations from such supplemental EIAs in order to reduce or eliminate any electromagnetic interference identified by the EIAs. Failure to do so within a reasonable time to be established by Allegany County shall result in forfeiture of the project bond and suspension of the authorization to operate the device.
- (8) Any interference with public safety or emergency management communication shall constitute just cause for a temporary shutdown of the project until such time as a supplemental EIA can be completed.
- (9) Repeated and substantiated claims of interference by those entities identified in Subsection C(2) shall constitute just cause for a temporary shutdown of the project until such time as a supplemental EIA can be completed.

- (10) All wind energy systems shall be required to comply with Federal Communications Commission interference regulations in accordance with Title 47, Chapter 1, of the Code of Federal Regulations.

D. Decommissioning bond.

- (1) Decommissioning provisions in this subsection shall apply to industrial wind farms, or portions thereof.
- (2) The IWECS facility owner or operator shall, at its expense, complete decommissioning of the IWECS facility within 180 days of the cessation of facility operations. In the case of individual turbine units, the unit will be presumed to have ceased operations if no electricity is generated for a continuous period of 180 days. For wind farms, the farm will be presumed to have ceased operations if no electricity is generated for a continuous period of 180 days.
- (3) Decommissioning shall include the removal and appropriate legal disposal or recycling of all IWECS components, including, but not limited to, turbines, support facilities, buildings, cables, electrical components, roads, concrete, fencing, gravel, stone and foundations to a depth of 36 inches.
- (4) Disturbed earth in all areas shall be stabilized, graded and seeded. Restoration of the pad sites shall include replacing the excavated foundation areas with topsoil that is free of noxious weeds, with no rocks, root mat or foreign objects larger than two inches in size, with proper soil nutrients (fertilizer, lime and other amendments) to provide and sustain growth.
- (5) Prior to permitting, an independent and certified professional engineer shall be retained by the County to prepare a cost estimate for decommissioning, without regard to salvage value. All costs associated with this task shall be borne by of the applicant.
- (6) A bond equal to 100% of the above-referenced cost estimate shall be posted by the applicant for each wind energy device to be erected, and no permit shall be issued until such bond is posted. Additionally, construction pricing indexing (CPI) shall be applied to the cost estimate to ensure that cost increases during the five-year interval will not decrease the value of the bond.

- (7) The bond shall be held by the Allegany County Finance Department to be used as surety in the event of noncompliance on the part of the applicant or in the event that the unit ceases operation for a period of time greater than 180 days. In the event that the unit is sold, the bond shall be released if the new owner shall post a bond in an equal amount with the Allegany County Finance Department.
- (8) In the event that the operator ceases to operate the unit or has abandoned the unit for a period in excess of 180 days, the County, at its sole discretion, may request that the unit be decommissioned and removed. In the event that the applicant does not comply with the request, the bond shall be utilized by Allegany County to cover the costs of decommissioning. The bond may further be utilized by the County for the costs of correcting any other acts of noncompliance with these regulations or directives of the County.
- (9) In the event of a transfer of unit ownership, the County reserves the right to reassess the amount of the bond and request an additional amount to be posted in order to provide adequate surety. Any costs to the County associated with these activities shall be reimbursed by the current project owner or operator.
- (10) Immediately following construction completion, and every five years thereafter, the County shall retain an independent and certified professional engineer to prepare a cost estimate for decommissioning, without regard to salvage value. All costs associated with this task shall be borne by the applicant or operator. The most recently prepared cost estimate shall be compared to the amount currently under bond, and the County, at its sole discretion, may alter the bond amount to stay current with decommissioning cost estimates.

E. Groundwater protection bond.

- (1) A bond in an amount to be recommended by the Allegany County Health Department shall be posted by the applicant for each wind energy device to be erected, and no permit shall be issued until such bond is posted.
- (2) The bond shall be held by the Allegany County Finance Department to be used as surety in the event of damage, disruption or loss of groundwater resources, specifically damage or disruption to groundwater resources or associated infrastructure utilized to provide potable water supply to

occupied structures within one mile of any portion of a IWECS project.

- (3) Prior to construction authorization, the County Health Department shall take all necessary steps to verify that each structure utilizing on-site groundwater resources within a radius of one mile of any portion of any IWECS project has received a certificate of potability.
- (4) Prior to construction authorization, the County Health Department shall take all necessary steps to verify that each structure utilizing on-site groundwater resources within a radius of one mile of any portion of any IWECS project is supplied with sufficient quantity, as determined by recharge rates, pressure and other appropriate standards as typically utilized by the Health Department.
- (5) Within 12 months of IWECS construction completion, the County Health Department shall conduct sampling of each groundwater-supplied structure within one mile of any portion of any IWECS project.
- (6) If sampling indicates a change in quality or quantity, the Health Department shall engage well drillers and other experts, as necessary, to determine if the well has been compromised.
- (7) If, in the opinion of the Health Department, the compromised well cannot be satisfactorily rehabilitated, a new well shall be drilled.
- (8) Any new well must satisfy Health Department standards and receive a certificate of potability.
- (9) In the event that these protocols fail to remedy the situation, the Health Department shall exercise other remedies as necessary.
- (10) Costs associated with Subsection E(3) through (5) shall be supported through permit fees.
- (11) Costs associated with Subsection E(6) through (8) shall be supported through the bond referenced in Subsection E(1).
- (12) The bond shall be released upon satisfaction of the County Health Department or the expiration of five years, whichever comes first.

(13) Prior to the expiration of the above-referenced five-year time period, the County Health Department may, at its discretion, order additional bonding or extend the bonding period.

F. Supplemental safety provisions.

(1) Applicants submitting for review a certificate by a qualified engineer attesting to the structural integrity of each IWECS and a winds load analysis prepared by a qualified engineer may be eligible for an administrative adjustment of up to 25% of the required setbacks as specified in Subsection B herein.

(2) No IWECS shall incorporate any artificial exterior lighting except what is specifically required by the Federal Aviation Administration (FAA).

(3) In the event that the FAA requires daytime high-intensity strobe lighting, a set of red or amber marker lights shall be installed for nighttime use. The red or amber lights shall replace daytime strobe lights from dusk until dawn. All high-intensity strobe lights shall be turned off at twilight, subject to FAA requirements.

(4) Each turbine and all equipment and storage structures, facilities or enclosures shall be equipped with at least two access prevention locks. These devices shall be designed to prevent unauthorized access and personal injury. Applicants shall present as part of their permit application a detailed plan displaying the necessary hardware to defeat access.

(5) Each turbine and all equipment and storage structures, facilities or enclosures shall incorporate no fewer than two warning signs. Each sign shall include the words: "Danger High Voltage" and shall include symbols or pictographs representing same. Any such signage shall be legibly discernible at a distance of 50 feet.

G. Removal of IWECS. The structure shall be utilized continuously for electrical power generation. In the event the structure ceases to be used for a period of six months, the approval will terminate. The landowner/structure owner/operator shall remove the structure within 90 days after termination of use. The County shall not be responsible for removal of the structure.

§ 360-108. Industrial wind farms.

Industrial wind farms may be permitted as a special exception by the Board of Appeals in the A and C Districts, subject to the conditions of § 360-107, Industrial wind energy conversion systems (IWECS).

**§ 360-109. Solar energy systems (SES) as primary use.
[Amended 7-11-2019 by Bill No. 1-19, effective 8-25-2019]**

Solar energy systems (SES) as a primary use shall be permitted in A and C Districts and may be permitted as a special exception by the Board of Appeals in the I district if located on EPA-certified brownfield land or Maryland Bureau of Mines documented reclaimed or abandoned surface-mined land and may be permitted as a special exception by the Board of Appeals in all other areas of the A and C Districts and in the I District, subject to the following conditions:

- A. All solar panels shall utilize glare-mitigating technology.
- B. Any solar energy system which the County determines to be a source of noise, vibration, glare, fumes, odors, electrical interference or increased traffic inappropriate for the neighborhood will be required to prepare a plan demonstrating mitigation of said problems.
- C. The minimum all-around setback for the solar energy system is 30 feet or the fire separation distance, whichever is greater.
- D. A screening buffer shall be provided from rights-of-way of County- or state-maintained roads.
- E. Secure fencing surrounding the solar energy system shall be required.
- F. Interconnections and power lines running to/from the solar energy system shall be placed underground.
- G. The solar energy system shall be subject to the special setback and height requirements for industrial uses found in § 360-128 of this code.
- H. As part of the site plan approval, a description of the decommissioning and final land reclamation plan to be put into effect after anticipated useful life or abandonment or termination of the project shall be required. This will include evidence of an agreement with the property owner that ensures proper final removal of power-generating equipment.

§ 360-110. Solar energy systems (SES) accessory to nonresidential uses.

Solar energy systems (SES) accessory to nonresidential uses shall be permitted in all districts, subject to the following conditions:

- A. All solar panels shall utilize glare-mitigating technology.
- B. Any solar energy system which the County determines to be a source of noise, vibration, glare, fumes, odors, electrical interference or increased traffic inappropriate for the neighborhood will be required to prepare a plan demonstrating mitigation of said problems.
- C. The solar energy system shall be exempt from permitting if mounted on an existing building. A land use permit will not be required; however, the solar energy system must comply with applicable building setbacks and building code requirements.
- D. A ground-mounted solar energy system shall be a permitted use following site plan review.
- E. A ground-mounted solar energy system may be located in side or rear yards only, subject to applicable setback and height requirements listed in §§ 360-126, 360-127, and 360-128 of this code.
- F. Freestanding solar panels shall not exceed 20 feet in height.

§ 360-111. Solar energy systems (SES) accessory to residential use.

Solar energy systems (SES) accessory to residential uses shall be permitted in all districts, subject to the following conditions:

- A. All solar panels shall utilize glare-mitigating technology.
- B. Any solar energy system which the County determines to be a source of noise, vibration, glare, fumes, odors, electrical interference or increased traffic inappropriate for the neighborhood will be required to prepare a plan demonstrating mitigation of said problems.
- C. The solar energy system shall be exempt from permitting if mounted on an existing building. A land use permit will not be required; however, the solar energy system must comply with applicable building setbacks and building code requirements.

- D. A ground-mounted solar energy system shall be a permitted use, subject to applicable setback and height requirements listed in §§ 360-126 and 360-127 of this code.
- E. Freestanding solar panels shall not exceed 20 feet in height.

§ 360-112. Solar energy systems (SES) utilizing thermal production of energy.

Solar energy systems (SES) utilizing thermal production of energy may be permitted as a special exception by the Board of Appeals in the I District, subject to the following conditions:

- A. All solar panels shall utilize glare-mitigating technology.
- B. Any solar energy system which the County determines to be a source of noise, vibration, glare, fumes, odors, electrical interference or increased traffic inappropriate for the neighborhood will be required to prepare a plan demonstrating mitigation of said problems.

§ 360-113. Campgrounds.

Campgrounds may be permitted as a special exception in the R-2, GU, A, and C Districts by the Board of Appeals, subject to the plan review procedures described in § 360-77, the Special setback and height requirements described in § 360-128, and the planned development standards described in § 360-135D of this code.

§ 360-114. Adult uses.

Adult uses may be permitted as a special exception by the Board of Appeals in the B-2 District, subject to the following conditions:

- A. No adult use shall be located within any of the following:
 - (1) One thousand lineal feet of the lot line of any library, public park, or other public recreational area, or residential district, regardless of municipal borders;
 - (2) One thousand five hundred lineal feet of the lot line of any primary or secondary school, child day-care center, church or similar place of worship, or existing dwelling unit, regardless of municipal borders;
 - (3) Any district other than the B-2 Major Commercial District.
- B. A thirty-foot-wide evergreen screening buffer or a fence or wall of a height and consistency to block the view of the use from

LAND DEVELOPMENT

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Allegany County

Table 1

Table of Permissible Uses

[Added 3-9-2017 by Bill No. 2-17, effective 4-24-2017; amended 1-10-2019 by Bill No. 7-18, effective 2-24-2019; 7-11-2019 by Bill No. 1-19, effective 8-25-2019]

Key:

- P Permitted
- PC Permitted with conditions (See Article XVI, Supplementary Use Regulations.)
- SE Special exception
- SC Special exception with conditions (See Article XVI, Supplementary Use Regulations.)
- x Prohibited

	Urban Districts						Nonurban Districts	
	R-1	R-2	B-1	B-2	I	G U	A	C*
Residential								
Single-family dwellings (See § 360-81)	P	P	SE	SC	S C	P	P	P
Duplex units (See § 360-82)	P	P	SE	SC	S C	P	P	P
Multifamily housing, condominiums, and townhouses (See § 360-83)	PC	PC	SC	SC	S C	PC	x	x
Conversion of single-family detached units to multifamily units (See § 360-83)	SC	PC	SC	x	x	PC	x	x
Mobile homes on individual lots ¹ (See § 360-84)	x	P	SE	SC	S C	P	P	P
Mobile home parks ¹ (See § 360-85)	SC	SC	SC	SC	S C	SC	SC	SC
Planned residential developments (See § 360-86)	PC	PC	x	x	x	PC	SC	SC
Accessory apartments	P	P	x	x	x	P	P	P
Accessory dwelling units (See § 360-87)	x	x	PC	PC	P C	x	x	x
Garages/storage buildings, up to 1,200 square feet in first floor area, includes additions	P	P	P	P	P	P	P	P
Garages/storage buildings, greater than 1,200 square feet in first floor area, includes additions	SE	P	P	P	P	P	P	P
Home occupations (See § 360-88)	PC	PC	P	P	P	PC	PC	PC
Commercial Sales and Services								
Major commercial uses (See § 360-89)	x	x	x	P	P C	x	x	x
Neighborhood commercial uses (See § 360-90)	x	SC	P	P	x	P	x	x
Shopping centers (See § 360-91)	x	x	x	PC	P C	SC	x	x
Neighborhood convenience centers (See § 360-92)	x	x	PC	PC	x	PC	x	x
Mixed-use developments (See § 360-93)	x	x	SC	SC	x	SC	x	x

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	Urban Districts						Nonurban Districts	
	R-1	R-2	B-1	B-2	I	GU	A	C*
Agricultural uses (See § 360-102)	PC	P	P	P	P	P	P	P
Agricultural buildings or structures (See § 360-102)	PC	P	P	P	P	P	P	P
Timber operations	P	P	P	P	P	P	P	P
Sawmills	x	x	x	x	x	SE	P	P
Feed or grain mills	x	x	x	P	x	SE	P	P
Greenhouses and nurseries	x	SE	x	P	x	P	P	P
Concentrated animal feeding operations (See § 360-103)	x	x	x	x	SC	x	SC	SC
Storage, processing and sale of agricultural products or stock	x	x	x	x	x	x	P	P
Energy								
Subsurface mineral extraction (See § 360-104)	PC	PC	PC	PC	PC	PC	PC	PC
Farm alcohol producer (See § 360-124.1)	X	SC	PC	PC	PC	PC	PC	PC
Surface mining, quarrying and related haul roads (See § 360-105)	x	x	x	x	x	SC	SC	SC
Tipples, wash plants and other mineral processing facilities (See § 360-106)	x	x	x	x	SC	SC	SC	SC
Industrial wind energy conversion systems (IWECS) (See § 360-107)	x	x	x	x	x	x	SC	SC
Industrial wind farms (See § 360-108)	x	x	x	x	x	x	SC	SC
Solar energy systems as primary use on "brownfield" land, reclaimed, or abandoned surface mining land (See § 360-109)	x	x	x	x	SC	x	PC	PC
Solar energy systems as primary use (See § 360-109)	x	x	x	x	SC	x	SC	SC
Solar energy systems accessory to nonresidential use (See § 360-110)	PC	PC	PC	PC	PC	PC	PC	PC
Solar energy systems accessory to residential use (See § 360-111)	PC	PC	PC	PC	PC	PC	PC	PC
Solar energy systems utilizing thermal production of energy (See § 360-112)	x	x	x	x	SC	x	x	x
Recreation/Amusement/Entertainment								
Campgrounds (See § 360-113)	x	SC	x	x	x	SC	SC	SC
Adult uses (See § 360-114)	x	x	x	SC	x	x	x	x
Fairgrounds	x	x	x	x	x	SE	SE	SE
Golf courses	x	x	x	x	x	SE	SE	SE
Gun clubs, hunting lodges and target ranges	x	x	x	x	x	x	P	P
Private commercial recreation areas and structures	x	x	x	x	x	SE	SE	SE
Private noncommercial recreation areas	x	P	x	x	x	P	P	P
Racetracks	x	x	x	x	x	SE	SE	SE
Resorts (See § 360-115)	x	SC	x	x	x	SC	SC	SC

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NOTES:

- * Regardless of how the use is listed in the Table of Permissible Uses, all uses within the Conservation District that are located in an area designated on the Zoning Map as public supply watersheds shall be considered as special exceptions and require Board of Appeals approval.
- ¹ Prohibited in the LaVale Overlay District as per Article XVI, Supplementary Use Regulations.

LAND DEVELOPMENT

360 Attachment 3

Allegany County

Table 4
Special Setback and Height Requirements
[Amended 7-11-2019 by Bill No. 1-19, effective 8-25-2019]

Use	Requirement
Communication towers and other freestanding nonindustrial structures, excluding WECS	A distance equal to the height of the structure from buildings on adjacent lots
Residential accessory structures	8-foot setback from other structures on the same lot
Neighborhood commercial structure	25-foot setback from property line with screening buffer when adjacent to residential unit or R- 1 or R- 2 District
Major commercial structure	50-foot setback from property line with screening buffer when adjacent to residential unit or R- 1 or R- 2 District
Industrial structure	50-foot setback from property line with screening buffer when adjacent to residential unit or R- 1 or R- 2 District, also a distance equal to the height of the structure when adjacent to residential unit or R- 1 or R- 2 District
Special exceptions, nonresidential uses	50-foot setback from property line with screening buffer when adjacent to residential unit or R- 1 or R- 2 District
Special exceptions, large-scale uses ¹	50-foot setback from property line with screening buffer when adjacent to residential unit or R- 1 or R- 2 District
Drive-through facilities	50% of required building setback
Vehicles, modular homes, boats and mobile homes on sales lot	50% of required building setback
Swimming pools	25-foot setback measured horizontally from nearest overhead electric line
Fences	
Swimming pools	4-foot minimum height for inground pools
Privacy	8-foot maximum height for residential lots; 12-foot maximum height for other uses
Surface mines and quarries	300-foot setback from residential unit unless owner gives written waiver
Airport	1,000-foot setback from nearest residence or R-1 District boundary

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Use	Requirement
Landing field	1,000-foot setback beyond end of landing strip to nearest residential unit or R-1 district boundary 200-foot setback from the center line of landing strip to nearest residential unit or R-1 district boundary
Solid waste transfer stations and solid waste processing/resource recovery facilities	300-foot setback from property line with screening buffer when adjacent to an R-1 District boundary or when adjacent to a residential unit. In the GU, A or C Districts, the Board of Appeals may alter this setback to increase the distance to residential units after site review.
Canopies/gas pumps/other fixed equipment	50% of required building setback
Wind energy conversion system (WECS) - both agricultural and domestic	(1) Buffer ² : a distance equal to two times the height ³ of the structure from occupied buildings on adjacent lots (2) Setback: a distance equal to the height ³ of the structure from property lines of adjacent lots
Concentrated animal feeding operations	500-foot setback from nearest neighboring residential unit or R-1 District boundary
Truck stops, truck terminals and truck repair facilities	In the B-2 and GU Districts, 200-foot setback from the nearest residential unit or R-1 District boundary
On-site and directional signs	10-foot setback from the road right-of-way line and 5-foot setback from side and rear property lines
Billboards	15-foot setback from side and rear lot lines

NOTES:

- ¹ Includes outdoor theaters, coal preparation or handling facilities, sawmills, fairgrounds, racetracks, stadiums, sewage treatment plants and landfills.
- ² The established buffer requirement may be reduced to a horizontal distance equal to the structure's height upon presentation of written waiver by the respective property owner(s).
- ³ The height of the structure is determined by the vertical distance from grade to nacelle.