

Dorchester County Solar and Wind Zoning

This document provides a compilation of excerpts from the Dorchester 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 Dorchester County Code uses the term "Solar Energy System, Utility Scale" to refer to large-scale solar energy projects and defines them as a system of solar energy devices used to generate energy primarily for off-site use.
 - Permitted use, by special exception of the Board of Appeals, in the following zoning districts: Resource Conservation (RC), Agricultural Conservation (AC), Agricultural Conservation – Resource Conservation Area (AC-RCA), General Business (B-2), Light Industrial (I-1), and Heavy Industrial (I-2).

Relevant Sections of the Dorchester County Code

- Chapter 155: Zoning. Article II Definitions: Definition for "solar array" and "solar energy systems, utility scale" (§155-13). Article IX: Supplementary Use Regulations (§155-50. LL). Chapter 155, Attachment 1: Table of Permitted Uses by Zoning District (p. 14).

SMALL SOLAR

Summary

- The Dorchester County Code does not have specific language regarding the zoning of solar energy systems that are not utility-scale. However, correspondence with County officials determined that small-scale solar energy systems are permitted in all zoning districts as an accessory use.

Relevant Sections of the Dorchester County Code

- Article II Definitions: Definition for "solar array." There are no zoning guidelines specific to small-scale solar projects.

WIND

Summary

- The Dorchester County Code does not have specific zoning regulations surrounding large-scale wind energy projects. Correspondence with County officials determined that large-scale wind energy projects are not permitted in any zoning district.

Relevant Sections of the Dorchester County Code

- No document available for viewing.

SMALL WIND

Summary

- The Dorchester County Code uses the term "Small Wind Energy Systems" to refer to small-scale wind energy projects and defines them as wind energy conversion systems that produce less than 100 kW in output.
 - Permitted as accessory use in all zoning districts.

Relevant Sections of the Dorchester County Code

- Chapter 155: Zoning. Article II Definitions: Definition for "Small Wind Energy System" and "Wind Turbine" (§155-13). Article IX: Supplementary Use Regulations (§155-50. KK). Chapter 155 Attachment 1: Table of Permitted Uses by Zoning District (p. 14).

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COUNTY COUNCIL

CIRCUIT COURT
DORCHESTER COUNTY

OF

DORCHESTER COUNTY, MARYLAND

2011 Legislative Session,
Legislative Day No. 9, 2011

Introduced By: County Council

BILL NO. 2011- 7

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND TO AMEND CHAPTER 155, ENTITLED ZONING ORDINANCE, SECTION 155-50, LL, SUPPLEMENTAL USE REGULATIONS, SECTION 155-13, TERMS DEFINED, AND SECTION 155 ATTACHMENT 1, TABLE OF PERMITTED USES OF THE DORCHESTER COUNTY CODE TO ADD SOLAR ENERGY SYSTEMS, UTILITY SCALE AS A SPECIAL EXCEPTION USE IN THE AC, AGRICULTURAL CONSERVATION, AC-RCA, AGRICULTURAL CONSERVATION-RESOURCE CONSERVATION AREA, RC, RESOURCE CONSERVATION, B-2, GENERAL BUSINESS, I-1, LIGHT INDUSTRIAL AND THE I-2, HEAVY INDUSTRIAL ZONING DISTRICTS, ADD THE DEFINITIONS OF SOLAR ENERGY SYSTEMS, UTILITY SCALE AND SOLAR ARRAY, AND INCLUDE SUPPLEMENTARY USE REGULATIONS FOR SOLAR ENERGY SYSTEMS, UTILITY SCALE.

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

Ordered publication for once a week for two (2) successive weeks, and public hearing scheduled on Tuesday, October 18, 2011 in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:20 PM.

By order: Jane Baynard
Jane Baynard, County Manager

**COUNTY COUNCIL
OF
DORCHESTER COUNTY, MARYLAND**

BILL NO. 2011- 7

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND TO AMEND CHAPTER 155, ENTITLED ZONING ORDINANCE, SECTION 155-50, LL, SUPPLEMENTAL USE REGULATIONS, SECTION 155-13, TERMS DEFINED, AND SECTION 155 ATTACHMENT 1, TABLE OF PERMITTED USES OF THE DORCHESTER COUNTY CODE TO ADD SOLAR ENERGY SYSTEMS, UTILITY SCALE AS A SPECIAL EXCEPTION USE IN THE AC, AGRICULTURAL CONSERVATION, AC-RCA, AGRICULTURAL CONSERVATION-RESOURCE CONSERVATION AREA, RC, RESOURCE CONSERVATION, B-2, GENERAL BUSINESS, I-1, LIGHT INDUSTRIAL AND THE I-2, HEAVY INDUSTRIAL ZONING DISTRICTS, ADD THE DEFINITIONS OF SOLAR ENERGY SYSTEMS, UTILITY SCALE AND SOLAR ARRAY, AND INCLUDE SUPPLEMENTARY USE REGULATIONS FOR SOLAR ENERGY SYSTEMS, UTILITY SCALE.

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

Article II Definitions

§ 155-13. Terms defined

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

“SOLAR ENERGY SYSTEMS, UTILITY SCALE” MEANS ANY DEVICE OR COMBINATION OF DEVICES OR ELEMENTS WHICH RELY UPON DIRECT SUNLIGHT AS AN ENERGY SOURCE, INCLUDING BUT NOT LIMITED TO ANY STRUCTURE OR DEVICE WHICH COLLECTS SUNLIGHT FOR GENERATING ENERGY PRIMARILY FOR USE OFF-SITE. ENERGY GENERATED MAY BE USED TO SERVE ON SITE POWER NEEDS.

“SOLAR ARRAY” MEANS A STRUCTURE CONTAINING ONE OR MORE RECEPTIVE CELLS OR PANELS FOR THE PURPOSE OF CONVERTING SOLAR ENERGY INTO USEABLE ELECTRICAL ENERGY BY WAY OF A SOLAR ENERGY SYSTEM.

Article IX Supplementary Use Regulations

§ 155-50. Supplementary use regulations

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

LL. SOLAR ENERGY SYSTEMS, UTILITY SCALE

(1) GENERAL REQUIREMENTS

- (A) A SOLAR COLLECTION DEVICE OR COMBINATION OF DEVICES SHALL BE 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) SOLAR ENERGY SYSTEMS, UTILITY SCALE SHALL NOT BE USED FOR DISPLAYING ANY ADVERTISING EXCEPT FOR REASONABLE IDENTIFICATION OF THE MANUFACTURER OR OPERATION, AND SHALL NOT BE ARTIFICIALLY LIGHTED EXCEPT TO THE EXTENT REQUIRED FOR SAFETY, MAINTENANCE, OR TEMPORARY REPAIR.**
- (C) ALL SOLAR ENERGY SYSTEMS, UTILITY SCALE SHALL BE LOCATED ON PROPERTY WITH A MINIMUM LOT OR PARCEL SIZE OF 25 ACRES OR MORE AND ONLY AS A SPECIAL EXCEPTION USE.**
- (D) SOLAR ENERGY SYSTEMS, UTILITY SCALE INCLUDING THE SOLAR COLLECTION DEVICES OR COMBINATION OF DEVICES SHALL NOT EXCEED THE HEIGHT RECOMMENDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE SYSTEM. IN NO CASE SHALL THE TOTAL HEIGHT OF ANY SOLAR ENERGY SYSTEM, UTILITY SCALE EXCEED 45 FEET IN THE AC, AC-RCA, OR RC AGRICULTURAL AND RESOURCE ZONING DISTRICTS, 45 FEET IN THE B-2, GENERAL BUSINESS DISTRICT, AND 50 FEET IN THE I-1 AND I-2 INDUSTRIAL ZONING DISTRICTS.**
- (E) ALL SOLAR ENERGY SYSTEMS, UTILITY SCALE SHALL BE SCREENED FROM THE GROUND FLOOR OF ANY ADJACENT OR ABUTTING EXISTING RESIDENTIAL DWELLING UNIT. THE SCREENING SHALL CONSIST OF A VEGETATED BUFFER THAT FORMS A LANDSCAPED STRIP AT LEAST 50 FEET IN DEPTH. THIS SCREENING SHALL BE MAINTAINED WITH A BUFFER OF PLANT MATERIAL (TREES & SHRUBS) THAT IS MATURE ENOUGH TO EFFECTIVELY SCREEN YEAR ROUND (TO A MINIMUM EIGHT FEET ABOVE GROUND LEVEL) THE VIEW OF THE SOLAR ENERGY FACILITY. THE AMOUNT AND EXTENT OF THE REQUIRED SCREENING WILL BE DETERMINED BY THE PLANNING COMMISSION AS PART OF THE SITE PLAN REVIEW PROCESS. WHEN CONDITIONS ON ADJACENT LAND ARE PRESENT SUCH AS EXISTING FOREST, WOODLAND, WETLANDS, OPEN FIELD OR CROPLAND, SUCH THAT THE LANDSCAPED STRIP SERVES A MINIMAL OR NO PURPOSE, THE PLANNING COMMISSION MAY REDUCE OR WAIVE THIS SCREENING REQUIREMENT AT THEIR DISCRETION.**
- (F) EACH SOLAR ENERGY SYSTEM, UTILITY SCALE USE, INCLUDING SOLAR COLLECTION DEVICES, ASSOCIATED BUILDINGS, AND ACCESSORY STRUCTURES SHALL MEET THE PRINCIPAL STRUCTURE MINIMUM YARD DEPTH REQUIREMENTS (SETBACKS) FOR THE ASSIGNED ZONING DISTRICT.**
- (G) ALL STRUCTURES ASSOCIATED WITH THE SOLAR ENERGY SYSTEM, UTILITY SCALE SHALL BE NEITHER VISUALLY INTRUSIVE NOR INAPPROPRIATE TO THEIR SETTING. THEY SHALL NOT UNREASONABLY INTERFERE WITH THE VIEW OF, OR FROM, SITES OF PUBLIC INTEREST SUCH AS PUBLIC PARKS, DESIGNATED SCENIC BYWAYS, HISTORIC STRUCTURES, OR THE CHESAPEAKE BAY AND ITS TRIBUTARIES.**

- (H) EXISTING VEGETATION MAY BE REMOVED ONLY AS AUTHORIZED DURING THE SITE PLAN REVIEW PROCESS. ALL AREAS DISTURBED SHALL BE MINIMIZED, AND ANY REMOVAL SHALL BE MITIGATED ON A ONE TO ONE (1:1) SQUARE FOOTAGE BASIS FOR ALL DISTURBANCE. PLANTING FOR A SCREENING BUFFER INSTALLED IN CONJUNCTION WITH SECTION E OF THIS SECTION, MAY BE CREDITED TOWARD THIS ONE TO ONE MITIGATION REQUIREMENT.
- (I) ON-SITE POWER LINES EXCLUDING SOLAR ARRAY OR SOLAR PANEL WIRING, SHALL BE PLACED UNDERGROUND EXCEPT WHERE NECESSARY TO CONNECT TO THE PUBLIC UTILITY. ELECTRICAL TRANSFORMERS FOR UTILITY INTERCONNECTIONS MAY BE ABOVE GROUND IF REQUIRED BY THE PUBLIC UTILITY. APPROPRIATE WARNING NOTICE (IE. ELECTRICAL HAZARDS) SHALL BE PLACED ON SOLAR ENERGY SYSTEMS, AND ALL ACCESS DOORS AND ELECTRICAL EQUIPMENT SHALL BE LOCKABLE.
- (J) NO SOLAR ENERGY SYSTEM, UTILITY SCALE SHALL BE ERECTED, CONSTRUCTED, INSTALLED OR MODIFIED AS PROVIDED IN THIS SECTION WITHOUT FIRST OBTAINING A BUILDING AND ELECTRICAL PERMIT. ALL SUCH SOLAR ENERGY SYSTEMS SHALL BE CONSTRUCTED AND OPERATED IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL LAWS.
- (K) SOLAR ENERGY SYSTEMS, UTILITY SCALE SITE PLAN SUBMITTAL REQUIREMENTS SHALL INCLUDE: A SITE PLAN SHOWING ROADS, LANDSCAPE BUFFER SCREENING AREAS, LOCATION OF ALL STRUCTURES, LOCATION OF ALL SOLAR PANELS OR SOLAR ARRAYS, AND DISTANCE TO PROPERTY LINES (SETBACKS). DRAWINGS OR BLUEPRINTS OF SOLAR PANELS AND ARRAYS ALONG WITH DOCUMENTATION OF LAND OWNERSHIP AND AUTHORIZATION OR CONSENT OF THE LAND OWNER TO PERMIT INSTALLATION OF THE USE ARE ALSO REQUIRED. A PLANTING PLAN, SIGNED PLANTING AND MAINTENANCE AGREEMENT, AND SECURITY AT THE RATE OF \$.40 PER SQUARE FOOT OR IN THE AMOUNT OF 120% OF THE COST OF LABOR AND MATERIAL TO GUARANTEE ALL PLANTING FOR TWO YEARS SHALL BE SUBMITTED PRIOR TO BUILDING PERMIT APPROVAL.
- (L) ANY SOLAR ENERGY SYSTEMS, UTILITY SCALE FOUND TO BE ABANDONED OR UNSAFE BY THE BUILDING OFFICIAL SHALL BE REPAIRED OR REMOVED BY THE LANDOWNER. A SOLAR ENERGY SYSTEM THAT FAILS TO OPERATE AND IS OUT-OF-SERVICE FOR A CONTINUOUS 12-MONTH PERIOD WILL BE DEEMED TO HAVE BEEN ABANDONED.
- (M) SOLAR ENERGY SYSTEMS, UTILITY SCALE USES LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA SHALL ALSO BE SUBJECT TO THOSE CRITICAL AREA CRITERIA.
- (N) OWNERS OR OPERATORS OF SOLAR ENERGY SYSTEMS, UTILITY SCALE SHALL SUBMIT TO THE OFFICE OF PLANNING & ZONING NO LATER THAN JULY1 OF EACH YEAR THE CURRENT STATUS AND OPERATION OF THE INSTALLATION AND ANY CHANGE OF OWNERSHIP OR MANAGEMENT OF THE FACILITY.

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

ZONING

155 Attachment 1

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

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Use Category	Use	Includes/Excludes	Requirements	Zoning Districts												
				<u>RC</u>	<u>RR-C</u>	<u>RR</u>	<u>RR-RCA</u>	<u>AC</u>	<u>AC-RCA</u>	<u>SR</u>	<u>SR-RCA</u>	<u>V</u>	<u>B-1</u>	<u>B-2</u>	<u>I-1</u>	<u>I-2</u>
UTILITIES	SOLAR ENERGY SYSTEMS, UTILITY SCALE	INCLUDES: 1. SOLAR COLLECTION DEVICES OR COMBINATION OF DEVICES SUCH AS LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC ARRAY INSTALLATIONS. 2. SOLAR ENERGY SYSTEMS, UTILITY SCALE SITES MUST BE ON A LOT OR PARCEL THAT IS A MINIMUM OF 25 ACRES OR MORE IN SIZE.	SEE SUPPLEMENTARY USE REGULATIONS FOR SOLAR ENERGY SYSTEMS, UTILITY SCALE	S				S	S					S	S	S

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

Explanation: **BOLD CAPITALS** indicate language added to existing law.
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GREEN BOLD CAPITALS indicate amended language.

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

SECTION THREE: Be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that this Bill shall be known as Bill No. 2011- 7 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

PASSED this 18th day of October, 2011

ATTEST: COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND

BY: Jane Baynard
Jane Baynard, County Manager

Jay L. Newcomb
Jay L. Newcomb, President

APPROVED this 18th day of October, 2011

ATTEST: COUNTY COUNCIL OF DORCHESTER COUNTY:

BY: Jane Baynard
Jane Baynard, County Manager

Jay L. Newcomb
Jay L. Newcomb, President

- Newcomb - yes
- Nichols - yes
- Price - yes
- Travers - yes
- Bradshaw - yes

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GREEN BOLD CAPITALS indicate amended language.

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COUNTY COUNCIL

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OF

CIRCUIT COURT
DORCHESTER COUNTY

DORCHESTER COUNTY, MARYLAND

2009 Legislative Session,
Legislative Day No. 12, 2009

Introduced By: County Council

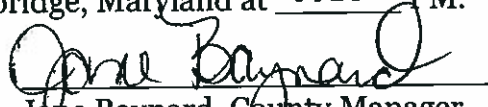
BILL NO. 2009- 8

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

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

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

By order:


Jane Baynard, County Manager

BILL NO. 2009- 8

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

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

Article II Definitions

§ 155-13. Terms defined

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

"FAA" MEANS THE FEDERAL AVIATION ADMINISTRATION.

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

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

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

Article IX Supplementary Use Regulations

§ 155-50. Supplementary use regulations

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

KK. SMALL WIND ENERGY SYSTEM

(1) GENERAL REQUIREMENTS

- (A) EXCLUDING FINISHES, COATINGS OR COVERINGS APPLIED BY THE MANUFACTURER, WIND TURBINES SHALL BE PAINTED A NON-REFLECTIVE, NON-OBTRUSIVE COLOR. SMALL WIND ENERGY SYSTEM TOWERS SHALL MAINTAIN A GALVANIZED STEEL, BRUSHED ALUMINUM OR WHITE FINISH, UNLESS FAA STANDARDS REQUIRE OTHERWISE.**
- (B) SMALL WIND ENERGY SYSTEMS SHALL NOT BE USED FOR DISPLAYING ANY ADVERTISING EXCEPT FOR REASONABLE IDENTIFICATION OF THE MANUFACTURER, AND SHALL NOT BE ARTIFICIALLY LIGHTED EXCEPT TO THE EXTENT REQUIRED BY THE FAA OR OTHER APPLICABLE AUTHORITY.**
- (C) A SMALL WIND ENERGY SYSTEM SHALL BE LOCATED ON A LOT OR PARCEL AS AN ACCESSORY USE. ~~THAT IS A MINIMUM OF 21,780 SQUARE FEET (½ ACRE) IN SIZE.~~ ONLY ONE SMALL WIND ENERGY SYSTEM SHALL BE PERMITTED ON A LOT OR PARCEL BETWEEN ¹/₂ ACRE AND 1 ACRE OR SMALLER IN SIZE.**

Explanation: **BOLD CAPITALS** indicate language added to existing law.
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GREEN BOLD CAPITALS indicate amended language.

- (D) **ON A LOT OR PARCEL OF BETWEEN ½ ACRE AND ONE ACRE (43,560 SQUARE FEET) OR SMALLER IN SIZE THE TOTAL HEIGHT OF A SMALL WIND ENERGY SYSTEM INCLUDING THE WIND TURBINE, TOWER, AND BASE SHALL NOT EXCEED A MAXIMUM HEIGHT OF 80 FEET. FOR A LOT OR PARCEL GREATER THAN ONE ACRE IN SIZE THE TOTAL HEIGHT SHALL NOT EXCEED THE HEIGHT RECOMMENDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE SYSTEM OR ANY LIMITATION IMPOSED BY FAA REGULATIONS. IN NO CASE SHALL THE TOTAL HEIGHT OF ANY SMALL WIND ENERGY SYSTEM EXCEED 200 FEET, AND TOWER LOADING SHALL NOT EXCEED MANUFACTURER OR DISTRIBUTOR RECOMMENDATIONS.**
- (E) **FOR PROPERTIES (LOTS OR PARCELS) LOCATED WITHIN THE DESIGNATED AP, AIRPORT PROTECTION DISTRICT, THE TOTAL HEIGHT OF SMALL WIND ENERGY SYSTEMS SHALL COMPLY WITH THE STANDARDS OF THE AIRPORT PROTECTION DISTRICT.**
- (F) **EACH SMALL WIND ENERGY SYSTEM SHALL BE SET BACK A DISTANCE EQUAL TO ITS TOTAL HEIGHT PLUS TWENTY (20) FEET FROM ALL PROPERTY LINES, PUBLIC ROAD RIGHT-OF-WAY, AND FROM ANY ABOVE GROUND (OVERHEAD) PUBLIC UTILITY LINES SUCH AS ELECTRIC POWER OR TELEPHONE COMMUNICATION LINES. ~~EACH SMALL WIND ENERGY SYSTEM SHALL BE SET BACK FROM THE NEAREST NON-PARTICIPATING BUILDING STRUCTURE (IE. BUILDING ON NEIGHBORING LAND) A DISTANCE EQUAL TO ITS TOTAL HEIGHT PLUS 50 FEET.~~**
- (G) **A WIND TURBINE BLADE TIP SHALL AT ITS LOWEST POINT HAVE A GROUND CLEARANCE OF NO LESS THAN TWENTY (20) FEET, AS MEASURED AT THE LOWEST POINT OF THE ARC OF THE BLADES. WIND TURBINE TOWERS SHALL NOT BE CLIMBABLE UP TO TWELVE (12) FEET, OR SHALL HAVE REMOVEABLE CLIMBING FEATURES BELOW TWELVE (12) FEET.**
- (H) **NO SMALL WIND ENERGY SYSTEM SHALL BE ERECTED, CONSTRUCTED, INSTALLED OR MODIFIED AS PROVIDED IN THIS SECTION WITHOUT FIRST OBTAINING A BUILDING AND ELECTRICAL PERMIT. ALL SUCH WIND ENERGY SYSTEMS SHALL BE CONSTRUCTED AND OPERATED IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL LAWS.**
- (I) **APPROPRIATE WARNING NOTICE (IE. ELECTRICAL HAZARDS) SHALL BE PLACED ON SMALL WIND ENERGY SYSTEMS. ALL ACCESS DOORS TO WIND TURBINE TOWERS AND ELECTRICAL EQUIPMENT SHALL BE LOCKABLE.**
- (J) **ANY SMALL WIND ENERGY SYSTEM FOUND TO BE ABANDONED OR UNSAFE BY THE BUILDING OFFICIAL SHALL BE REPAIRED OR REMOVED BY THE LANDOWNER. A SMALL WIND ENERGY SYSTEM THAT FAILS TO OPERATE AND IS OUT-OF-SERVICE FOR A CONTINUOUS 12-MONTH PERIOD WILL BE DEEMED TO HAVE BEEN ABANDONED.**
- (K) **EXCEPT IN MAPPED BUFFER EXEMPTION AREAS (BEA) AND IN ACCORDANCE WITH BUFFER EXEMPTION AREA CRITERIA, SMALL WIND ENERGY SYSTEMS SHALL NOT BE LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA TIDEWATER BUFFER.**

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

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

PASSED this 11TH day of AUGUST, 2009

ATTEST:

COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND

BY: Jane Baynard
Jane Baynard, County Manager

Jay L. Newcomb
Jay L. Newcomb, President

APPROVED this 11TH day of AUGUST, 2009

ATTEST:

COUNTY COUNCIL OF DORCHESTER COUNTY:

BY: Jane Baynard
Jane Baynard, County Manager

Jay L. Newcomb
Jay L. Newcomb, President

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

ZONING

155 Attachment 1

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

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

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

155 Attachment 1:2

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