

# Frederick County Solar and Wind Zoning

This document provides a compilation of excerpts from the Frederick County Zoning 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 Frederick County Zoning Code uses the term "Solar Facility, Commercial" to refer to large-scale solar projects, and defines them as generating electricity in an amount that exceeds 200% of the consumption of the uses on the parcel upon which they are constructed and whose excess electricity is fed into the electric grid.
  - Permitted use, subject to site development plan approval, in the Limited Industrial (LI) and General Industrial (GI) zoning districts.
  - Permitted use, subject to approval of a "Solar Facility, Commercial Floating Zone," in the Agricultural (A) zoning district.

#### Relevant Sections of the Frederick County Code

- Chapter 1-19: Zoning
  - Article XI: Definitions: Definition of "Solar Collection System", "Solar Facility, Commercial" (1-19-11.100).
  - Article V: Zoning Maps and Districts: use table (§ 1-19-5.310).
  - Article VI: District Regulations: design requirements and modifications (§1-19-6.100).
  - Article VIII: Specific Use Regulations: Permitted Uses in LI and GI districts (§1-19-8.401).
  - Article X: Optional Methods of Development: Solar Facility, Commercial Floating Zone District (§1-19-10.700). Division 9. institutional Floating Zone District (I).

## SMALL SOLAR

### Summary

- The Frederick County Zoning Code defines small-scale solar projects as either "Solar Facility, Accessory" or "Solar Facility, Community Energy Generating System."
  - Solar Facility, Accessory is either mounted on a building or on the ground and generates electricity in an amount that does not exceed 200% of the electric consumption of the principal use.
    - Permitted as accessory use in all zoning districts.
  - Solar Facility, Community Energy Generating System permitted as an accessory in all zoning districts.<sup>1</sup>

### Relevant Sections of the Frederick County Code

- Chapter 1-19: Zoning
  - Article XI: Definitions: Definition of "Solar Collection System", "Solar Facility, Accessory", and "Solar Facility, Community Energy Generating System" (§1-19-11.100).
  - Article VIII: Specific Use Regulations: Accessory uses (§1-19-8.205.4, 8.205.5).
  - Setback requirements for accessory structures (§1-19-4.300.1).

## WIND

### Summary

- The Frederick County Zoning Code does not have specific zoning districts designated for large-scale wind projects. Correspondence with County officials determined that large-scale wind energy projects are not permitted in any zoning district.

### Relevant Sections of the Frederick County Code

- No document available for viewing.

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<sup>1</sup> Satisfies the requirements of § 7-306.2(a)(3) of the Public Utilities Article of the State Code as existing on July 1, 2018 and is part of the Community Solar program approved by the Maryland Public Service Commission.

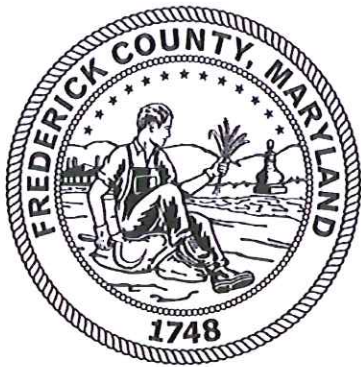
## SMALL WIND

### Summary

- The Frederick County Zoning Code uses the term "Limited Wind Energy System" to refer to small-scale wind projects and defines them as having a rated nameplate capacity of 50 kW or less and a total height of 150 feet or less.
  - Permitted use in all zoning districts.

### Relevant Sections of the Frederick County Code

- Chapter 1-19: Zoning
  - Article XI: Definitions: Definition of "Wind Energy System", "Limited Wind Energy System", "Wind Energy System Total Height", "Wind Tower", and "Wind Generator" (§1-19-11.100).
  - Article VIII: Specific Use Regulations: Accessory uses (§1-19-8.205.6).
  - Setback requirements for accessory structures (§1-19-4.300.1).



Bill No. 17-07

Concerning: Solar Facilities and Floating Zone

Introduced: March 21, 2017

Revised: May 2, 2017 Draft No. 2

Enacted: May 16, 2017

Effective: July 15, 2017

Expires: \_\_\_\_\_

Frederick County Code, Chapter \_\_\_\_\_

Section(s) 5.310, 6.100, 8.205.4, 8.205.5, 8.401,

10.700, 10.900, 11.100

## COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Vice President M.C. Keegan-Ayer, Council Member Jessica Fitzwater (Co-Sponsor)

**AN ACT** to: Delete existing Code provisions related to solar collection systems and adopt new provisions defining three categories of solar energy systems, identifying in which Zoning districts the solar energy systems may be located as a permitted use, establishing a Commercial Solar Facility Floating Zone and certain other criteria.

Executive: Jim H. Sanchez Date Received: 5/23/17

Approved: YES Date: 5/24/17

Vetoed: \_\_\_\_\_ Date: \_\_\_\_\_

By amending:

Frederick County Code, Chapter, 1-19 Section(s) 5.310, 6.100, 8.205.4, 8.205.5, 8.401, 10.700, 10.900, 11.100

Other: \_\_\_\_\_

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Underlining

[Single boldface brackets]

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*Heading or defined term.*

*Added to existing law.*

*Deleted from existing law.*

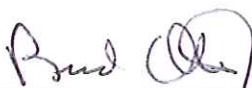
*Existing law unaffected by bill.*

**Bill No. 17-07**

The County Council of Frederick County, Maryland, finds it necessary and appropriate to delete existing Code provisions related to solar collection systems and adopt new provisions defining three categories of solar energy systems, identifying in which Zoning districts the solar energy systems may be located as a permitted use, and establishing a Commercial Solar Facility Floating Zone, and certain other criteria.

NOW, THEREFORE, BE IT IN ENACTED, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1; and

BE IT FURTHER ENACTED, that these provisions do not apply to Commercial Solar Facilities that, as of the date of the Bill's enactment have obtained: 1) a final approved Certificate of Public Convenience and Necessity (CPCN) from the Maryland Public Service Commission; and 2) a signed final site plan approved by the Frederick County Planning Commission.



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Harold F. (Bud) Otis, President  
County Council of Frederick County,  
Maryland

WLC 5/16/17

**1-19-5.310. USE TABLE.**

(A) *Permitted uses and required development review.*

P Principal permitted use subject to design regulations

PS Principal permitted use subject to site development plan approval. See §§ 1-19-2.160, and 1-19-3.300 through 1-19-3.300.4

E Principal permitted use as a special exception with site development plan approval. See §§ 1-19-8.320 and following

T Permitted as temporary use as a special exception. See § 1-19-8.300

X Permitted as temporary use only. See § 1-19-8.700

SW Solid Waste Floating Zone

A blank indicates that the use is not permitted under any situation

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<i>Uses</i>	<i>Zoning Districts</i>													
	<i>RC</i>	<i>A</i>	<i>RI</i>	<i>R3</i>	<i>R5</i>	<i>R8</i>	<i>R12</i>	<i>R16</i>	<i>VC</i>	<i>MX</i>	<i>GC</i>	<i>ORI</i>	<i>LI</i>	<i>GI</i>
<i>Governmental and Nongovernmental Utilities</i>														
<u>Solar Facility, Commercial</u>													<u>PS</u>	<u>PS</u>

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**1-19-6.100. DESIGN REQUIREMENTS FOR SPECIFIC DISTRICTS.**

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<i>Use Classification</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Area per Unit</i>	<i>Lot Width</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Height</i>
<i>Limited Industrial District LI</i>							
<u>Solar Facility, Commercial</u>	<u>20,000 sq. ft.</u>		<u>200</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>30'</u>

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<i>General Industrial District GI</i>							
<u>Solar Facility, Commercial</u>	<u>1</u> acre		<u>200</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>30'</u>

\* \* \*

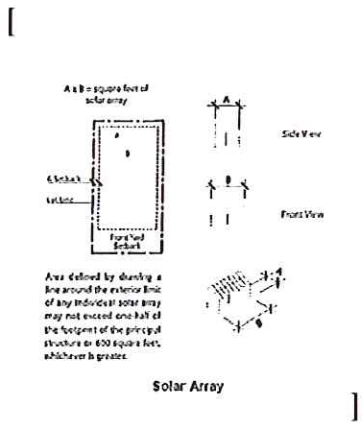
**1-19-8.205.4. [SOLAR COLLECTION SYSTEM.] SOLAR FACILITY, ACCESSORY.**

[A solar collection system is permitted in any zoning district on the roof or exterior walls of structures.] Solar Facility, Accessory, is a permitted use in all zoning districts.

**1-19-8.205.5. [SOLAR ARRAY.] SOLAR FACILITY, COMMUNITY ENERGY GENERATING SYSTEM.**

[The footprint of the solar array and any individual component shall be used in calculating the square footage by drawing a line around the exterior limits of an individual solar array. Solar arrays are permitted in any zoning district subject to the following setback and size restrictions:

- (A) The total square footage of the solar array(s) shall not exceed that of the principal structure;
- (B) The footprint of an individual solar array shall not exceed the greater of:
  - (1) One-half of the footprint of the principal structure or
  - (2) Six hundred square feet.]




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Solar Facility, Community Energy Generating System is an accessory use in all zoning districts and the facility may be located on a different parcel of land than that of the subscribers. A zoning certificate must be obtained prior to construction or installation of the facility.

#### **1-19-8.401. SOLAR FACILITY COMMERCIAL IN THE LI OR GI DISTRICTS**

The following design criteria shall apply to a Solar Facility, commercial in the LI or GI districts.

(A) All applications shall include justification from the applicant as to why the site was selected and a glint and glare analysis of the proposed solar facility identifying the angle and height of reflection and the impacts upon nearby properties, roadways and airports.

(B) The appearance and visual impact of the solar facility shall be minimized by the use of screening.

(C) The applicant must comply with all applicable federal and state regulations, including but not limited to obtaining a certificate of public convenience and necessity from the Public Service Commission if required, and in the removal and disposal of the solar facility and all of its components.

(D) All solar facilities and panel disconnects must be mapped and registered with the Fredrick County Division of Fire and Rescue Services.

(E) If for a period of 6 months, the solar facility ceases to generate electricity or is disconnected from the electric grid, the approval will terminate. The property owner shall remove the solar facility within 90 days after termination. The property owner shall ensure the solar facility removal and disposal by posting an acceptable monetary guarantee with the County on forms provided by the office of the Zoning Administrator. The guarantee shall be for an amount equal to a cost estimate approved by the Zoning Administrator for the removal and disposal of the solar facility, plus a 15% contingency. If a guarantee for the cost of removal and disposal of the solar facility is required by and provided to a state entity, the Zoning Administrator may accept documentation of the posting of the guarantee with the state entity as satisfaction of this requirement.

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**DIVISION 7. SOLAR FACILITY, COMMERCIAL FLOATING ZONE DISTRICT**  
**1-19-10.700. SOLAR FACILITY – COMMERCIAL FLOATING ZONE DISTRICT**

(A) Solar facility, Commercial shall be a floating zone which may be established within the Agricultural zone having the corresponding Comprehensive Plan land use designation. Commercial Solar facilities can play an important role by providing alternative energy sources, however because of their size, scale and intensity these commercial facilities may create adverse impacts on nearby properties and the adversely affect the rural and scenic characteristics of agricultural areas. Review and siting of these facilities through a floating zone process will maintain the purpose and protect the character of agricultural areas.

(B) Size and location.

(1) The tract or tracts of land eligible to receive the Solar Facility- Commercial District must be zoned Agriculture and have a Comprehensive Plan land use designation of agricultural/rural.

(2) The tract or tracts of land which is the subject of the floating zone application may not be contiguous to a community growth boundary as designated on the County Comprehensive Plan. (For purposes of this subsection, a property separated from a community growth boundary by a transportation or utility right of way (whether fee simple or lesser interest) is deemed to be contiguous as if such right of way did not exist.)

(3) The tract or tracts of land which is the subject of the floating zone application shall have a minimum size of 10 acres and shall not exceed 750 acres.

(4) The tract or tracts of land which is the subject of the floating zone application may not be encumbered by an Agricultural Preservation Easement, located within a Priority Preservation Area (PPA) or a Rural Legacy Area (RL) in the County Comprehensive Plan, or be located within two (2) miles of the centerline of the right-of-way of U.S. Route 15, outside the Frederick City limits from the Pennsylvania border to the Virginia border, that Route having been designated as part of the Journey Through Hallowed Ground National Heritage Area. If

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the tract or tracts of land subject to the floating zone application are within two (2) miles of the centerline of U. S. Route 15, the application may be conditionally accepted and the applicant will have the burden to establish that the proposed project will not be visible from U.S. Route 15.

(C) Approval Criteria

(1) Approval or disapproval of an application for a Solar Facility-Commercial Floating Zone shall be determined through evaluation of the impact of the proposed project upon the adjacent and nearby properties and whether the project will be compatible with, and have no adverse effects on, surrounding properties and a viewscapes from public parks and roadways.

(2) The applicant shall establish that the site is the optimal location for a commercial solar project due to its proximity to facilities to connect the project to the grid, and that the natural features of the site and the location minimize the visual impact of the project on surrounding properties and those traveling on public roadways.

(3) The applicant shall establish that the proposed project will be compatible with the existing and customary uses on adjoining and neighboring properties and in the Agriculture zone in terms of size, scale, style and intensity.

(4) The applicant shall establish that the project will not be located on prime farmland soils as identified in the USDA Soil Survey for Frederick County.

(5) The proposed project, including all areas of disturbance, shall not exceed the lesser of 10% of the tract's or tracts' tillable acreage or 75 acres in size.

(6) A 25 foot deep buffering and screening area shall be provided along common property lines between the Solar Facility and all adjoining residentially zoned property and along all adjacent roadways. The buffering and screening area may include a combination of berms, predominantly evergreen species at least 5 feet in height at the time of planting, or fencing to be determined by the County Council based on characteristics of both the solar facility location and the surrounding neighborhood. The County Council may increase the 25 foot buffering and screening area depth based on characteristics of both the solar facility location and the surrounding neighborhood. The buffering and screening area may be located within the setback areas.

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(7) Applicants must satisfy all Forest Resource Ordinance requirements and environmental regulations set forth in Article IX of the Zoning Ordinance. (Chapter 1-19.)

(8) The applicant must comply with all applicable federal and state regulations, including but not limited to obtaining a certificate of public convenience and necessity from the Public Service Commission if required, and in the removal and disposal of the solar facility and all of its components.

(9) All solar facilities and panel disconnects must be mapped and registered with the Fredrick County Division of Fire and Rescue Services.

(10) If for a period of 6 months, the solar facility ceases to generate electricity or is disconnected from the electric grid, the approval will terminate. The property owner shall remove the solar facility within 90 days after termination. The property owner shall ensure the solar facility removal and disposal by posting an acceptable monetary guarantee with the County on forms provided by the office of the Zoning Administrator. The guarantee shall be for an amount equal to a cost estimate approved by the Zoning Administrator for the removal and disposal of the solar facility, plus a 15% contingency. If a guarantee for the cost of removal and disposal of the solar facility is required by and provided to a state entity, the Zoning Administrator may accept documentation of the posting of the guarantee with the state entity as satisfaction of this requirement.

(11) If approval of the application is granted it may include conditions and restrictions deemed necessary to fulfill these criteria and to protect the intent of the agricultural/rural land use designation.

(D) Application and Approval.

(1) Prior to submitting an application for the floating zone, the applicant shall publicize the proposed application using a block advertisement of a size acceptable to staff including a map showing the site and a one-mile radius. The applicant shall hold a meeting in the area of the proposed facility to provide information to the members of the surrounding community regarding potential impacts of the project. Written notice of the meeting shall be provided to all abutting property owners and any homeowners/community associations within a

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one-mile radius of the property. Minutes of the meeting and a list of attendees shall be submitted with the floating zone application.

(2) Phase I justification and floating zone reclassification application and procedures will be the same as established in §§1-19-3.110.1 through 1-19-3-110.6.

(3) Phase II approval shall follow the site development plan process. If the tract or tracts of land are granted floating zone approval they may not be further subdivided.

(E) Application.

(1) The application submitted must include 15 copies of each of the following:

(a) A map of the applicant's entire holding at a convenient scale.

(b) A vicinity map at a scale of 1 inch equals 2,000 feet or more to the inch, indicating the location of the property with respect to surrounding property and streets. The map will show all streets and highways within 2,000 feet of the applicant's property.

(c) An environmental features map of the property showing the existing surface of the land and the location of soil types and natural features such as streams, rock outcrops and wooded areas, at a minimum of 5 foot contour intervals, unless otherwise specified.

(d) A generalized overall land use plan at 1" = 100 scale, showing the type, location, acreage and density of all proposed land uses as well as the general street layout and circulation pattern.

(e) A concept plan at 1" = 50 scale showing; the location of the proposed use, size and height of all existing and proposed buildings; the location of all roads, parking lots, loading areas and access and egress drives.

(f) A phasing schedule describing the timing and sequence of development.

(g) A "glint and glare" analysis of the proposed solar facility identifying the angle and height of reflection throughout the year, and the impacts upon nearby residences, roadways, and airports.

(2) The applicant shall submit a justification statement addressing each of the approval criteria as well as the following:

(a) Relationship of uses within the project and with existing uses in the neighborhood;

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(b) The timing of the construction of the project as it relates to the provision of facilities and services;

(c) A statement identifying all incidental accessory uses and activities associated with the primary use of the property including hours of operation, frequency of activity, and average number in attendance.

\* \* \*

#### **1-19-10.900. INSTITUTIONAL FLOATING ZONING DISTRICT (I)**

\* \* \*

(F) Land use. Land uses permitted within the Institutional Zoning District are limited to the following:

(1) Public Airports

(2) College or university

[(3) Solar array approved as a nongovernmental utility in conjunction with a college or university]

[(4)] (3) Private School

[(5)] (4) Public School

[(6)] (5) Accessory uses shall be limited to those deemed to be incidental

accessory uses associated with an institutional use as provided within this chapter (see also § 1-19-10-900(H)(1)(a) and (b), and Article VIII, Division 2. Accessory Uses) or as approved by the Zoning Administrator.

\* \* \*

#### **1-19-11.100. DEFINITIONS.**

\* \* \*

**NONGOVERNMENTAL UTILITIES.** Any utility not owned by a governmental entity. Including a transmission and distribution substation for supplying electric service served by transmission lines of less than 500 kv[.], but excluding Solar Facility, Commercial.

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[**SOLAR ARRAY.** A ground mounted solar collection system consisting of a linked series of photovoltaic modules.

**SOLAR COLLECTION SYSTEM.** A panel or other solar energy device, 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 FACILITY, ACCESSORY.** A photovoltaic solar energy system mounted on a building or on the ground which generates electricity in an amount that does not exceed two hundred percent of the electric consumption of the principal use.

**SOLAR FACILITY, COMMERCIAL.** A photovoltaic solar energy system that generates electricity in an amount that exceeds two hundred percent of the consumption of the uses on the parcel upon which it is constructed and the excess electricity is fed into the electric grid.

**SOLAR FACILITY, COMMUNITY ENERGY GENERATING SYSTEM.** A photovoltaic solar energy system which satisfies the requirements of Public Utilities Article, §7-306.2 of the Ann. Code of Md.

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**Amended Bill No. 17-07**

THE EFFECTIVE DATE OF THIS ORDINANCE IS May 8, 2009

ORDINANCE NO. 09-11-515

**Zoning Text Amendment - ZT-09-02**

**RE:** To Add §1-19-8.205.4 to provide for a solar collection system allowed as an accessory use in all zoning districts.

To Add §1-19-8.205.5 to provide standards for a solar array allowed as an accessory use in all zoning districts.

To Add §1-19-8.205.6 to provide standards for Limited Wind Energy Systems allowed as an accessory use in all zoning districts.

To Amend §1-19-11.100 DEFINITIONS by adding a definition for Solar Array, Solar Collection System, Wind Energy System, Limited Wind Energy System, Wind Energy System Total Height, Wind Generator, and Wind Tower.

PREAMBLE

The Board of County Commissioners of Frederick County, Maryland desires to add §§ 1-19-8.205.4, 1-19-8.205.5 and 1-19-8.205.6 to the Frederick County Zoning Ordinance to allow individual solar arrays and wind energy systems, and to amend § 1-19-11.100 Definitions by adding definitions for Solar Array, Solar Collection System, Wind Energy System, Limited Wind Energy System, Wind Energy System Total Height, Wind Generator, and Wind Tower.

The Frederick County Planning Commission held a public hearing on March 25, 2009. The Planning Commission recommended approval of ZT-09-02.

A public hearing was held by the Board of County Commissioners on this Ordinance on April 28, 2009. The zoning text amendment and the public hearing before the Board of County Commissioners were duly advertised. The public had an opportunity to comment on this Ordinance at these public hearings.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the following sections be added to the Frederick County Code and that § 1-19-11.100

Definitions be amended as follows:

ARTICLE VIII: SPECIFIC USE REGULATIONS

DIVISION 2. ACCESSORY STRUCTURES

~~§1-19-8.200.3 RESERVED~~ § 1-19-8.205.4. SOLAR COLLECTION SYSTEM.

**A SOLAR COLLECTION SYSTEM IS PERMITTED IN ANY ZONING DISTRICT ON THE ROOF OR EXTERIOR WALLS OF STRUCTURES.**

~~§1-19-8.200.4 RESERVED~~ § 1-19-8.205.5. SOLAR ARRAY.

**THE FOOTPRINT OF THE SOLAR ARRAY AND ANY INDIVIDUAL COMPONENT SHALL BE USED IN CALCULATING THE SQUARE FOOTAGE BY DRAWING A LINE AROUND THE EXTERIOR LIMITS OF AN INDIVIDUAL SOLAR ARRAY. SOLAR ARRAYS ARE PERMITTED IN ANY ZONING DISTRICT SUBJECT TO THE FOLLOWING SETBACK AND SIZE RESTRICTIONS:**

**(A) THE TOTAL SQUARE FOOTAGE OF THE SOLAR ARRAY(S) SHALL NOT EXCEED THAT OF THE PRINCIPAL STRUCTURE;**

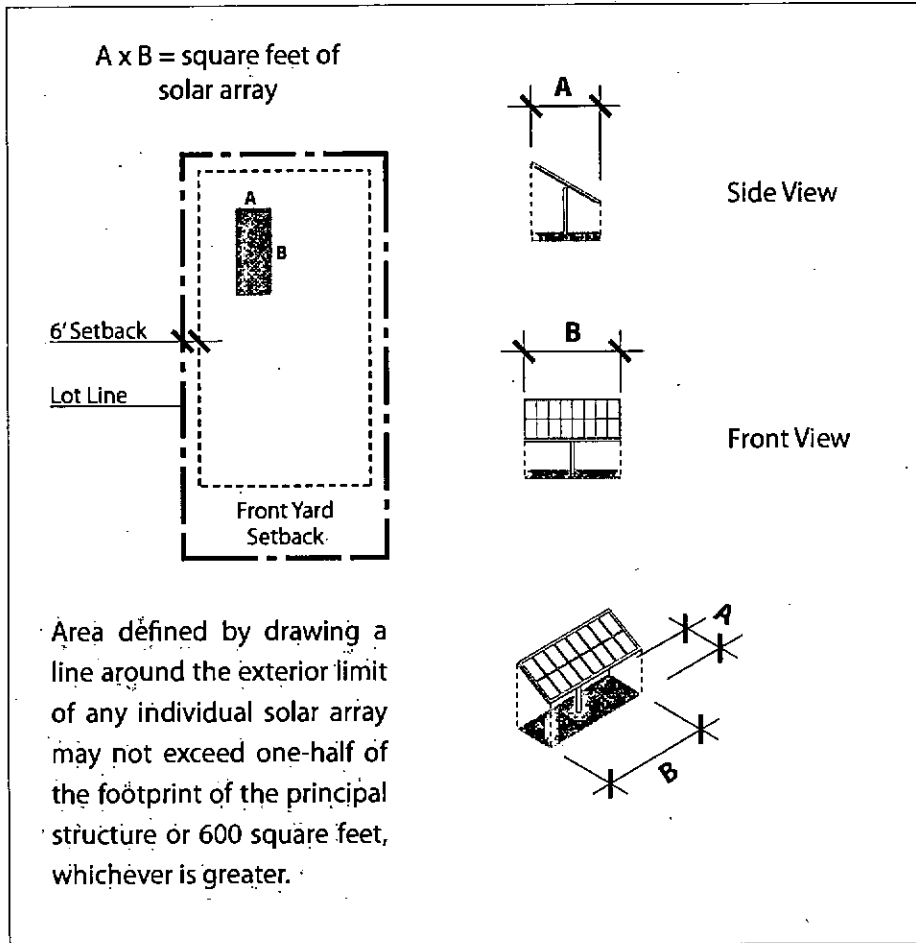
**(B) THE FOOTPRINT OF AN INDIVIDUAL SOLAR ARRAY SHALL NOT EXCEED THE GREATER OF:**

**(1) ONE-HALF OF THE FOOTPRINT OF THE PRINCIPAL STRUCTURE OR**

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**CAPITALS AND BOLD TYPE INDICATE MATTER ADDED TO EXISTING LAW; Strike-through indicates matter deleted from existing law.**

**(2) SIX HUNDRED SQUARE FEET**



**Solar Array**

**§ 1-19-8.205.6. LIMITED WIND ENERGY SYSTEMS.**

**(A) LIMITED WIND ENERGY SYSTEMS ARE PERMITTED IN ANY ZONING DISTRICT SUBJECT TO THE FOLLOWING STANDARDS EXCEPT THAT LIMITED WIND ENERGY SYSTEMS UNDER 10 FEET IN HEIGHT AND LOCATED ON A PRINCIPAL OR ACCESSORY STRUCTURE ARE NOT SUBJECT TO THESE PROVISIONS:**

**(1) THE LIMITED WIND ENERGY SYSTEM SHALL BE USED FOR THE PURPOSE OF GENERATING POWER FOR THE PROPERTY ON WHICH THE LIMITED WIND ENERGY SYSTEM IS LOCATED. COMMERCIAL SALE OF POWER IS PROHIBITED.**

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**(2) THE LIMITED WIND ENERGY SYSTEM SHALL BE SET BACK A DISTANCE EQUAL TO ITS TOTAL HEIGHT PLUS AN ADDITIONAL 20 FEET FROM:**

**(a) ANY RIGHT-OF-WAY AS DESIGNATED BY THE COUNTY COMPREHENSIVE PLAN;**

**(b) ANY RIGHT OF INGRESS OR EGRESS ON THE OWNER'S PROPERTY;**

**(c) ANY OVERHEAD UTILITY LINES;**

**(d) ALL PROPERTY LINES.**

**(3) THE LIMITED WIND ENERGY SYSTEM SHALL NOT BE LOCATED WITHIN THE REQUIRED FRONT YARD SETBACK.**

**(4) ALL GROUND MOUNTED ELECTRICAL AND CONTROL EQUIPMENT SHALL BE LABELED AND SECURED TO PREVENT UNAUTHORIZED ACCESS.**

**(5) ALL ELECTRICAL WIRES ASSOCIATED WITH A GROUND MOUNTED WIND ENERGY SYSTEM SHALL BE LOCATED UNDERGROUND, EXCEPT THOSE WIRES NECESSARY TO CONNECT THE WIND GENERATOR TO THE WIND TOWER WIRING, THE WIND TOWER WIRING TO THE DISCONNECT JUNCTION BOX, AND THE GROUNDING WIRES.**

**(6) A WIND TOWER AND GENERATOR SHALL NOT BE ARTIFICIALLY LIGHTED UNLESS SUCH LIGHTING IS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION (FAA).**

**(7) WIND ENERGY SYSTEMS SHALL BE PAINTED A NON-REFLECTIVE, NON-OBTRUSIVE COLOR SUCH AS THE MANUFACTURER'S DEFAULT COLOR OPTION OR A COLOR THAT CONFORMS TO THE ENVIRONMENT AND ARCHITECTURE OF THE COMMUNITY IN WHICH IT WILL BE LOCATED. WIND ENERGY TOWERS SHALL MAINTAIN A GALVANIZED STEEL, BRUSHED ALUMINUM OR WHITE FINISH, UNLESS FAA STANDARDS REQUIRE OTHERWISE. THE ZONING ADMINISTRATOR MAY REQUIRE A PHOTO OF A WIND ENERGY SYSTEM OF THE SAME MODEL THAT IS THE SUBJECT OF THE APPLICATION, ADJACENT TO A BUILDING OR SOME OTHER OBJECT ILLUSTRATING SCALE.**

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**(8) THE BLADE TIP OR VANE OF ANY WIND ENERGY SYSTEM SHALL, AT ITS LOWEST POINT, HAVE GROUND CLEARANCE OF NO LESS THAN FIFTEEN (15) FEET, AS MEASURED AT THE LOWEST POINT OF THE ARC OF THE BLADES.**

**(9) WIND ENERGY SYSTEMS SHALL COMPLY WITH ALL APPLICABLE CONSTRUCTION AND ELECTRICAL CODES.**

**(10) WIND ENERGY SYSTEMS THAT CONNECT TO AN ELECTRIC UTILITY COMPANY SHALL COMPLY WITH THE PUBLIC SERVICE COMMISSION REGULATIONS.**

**(11) EACH PROPERTY IS ELIGIBLE FOR TWO (2) WIND ENERGY SYSTEMS. ADDITIONAL WIND ENERGY SYSTEMS SHALL NOT EXCEED THE TOTAL NUMBER NEEDED TO GENERATE THE AMOUNT OF ELECTRICITY FOR THE ESTABLISHED USES ON THE PROPERTY UNLESS THE APPLICANT CAN DEMONSTRATE THE ON-SITE NEED FOR ADDITIONAL POWER.**

**(12) ABANDONMENT.**

**(a) THE ZONING ADMINISTRATOR MAY ISSUE A NOTICE OF ABANDONMENT TO THE OWNER OF A WIND ENERGY SYSTEM THAT IS OUT OF SERVICE FOR A CONTINUOUS 6-MONTH PERIOD. THE OWNER SHALL HAVE THE RIGHT TO RESPOND IN WRITING, WITHIN 30-DAYS, TO THE NOTICE OF ABANDONMENT SETTING FORTH THE REASONS FOR OPERATIONAL DIFFICULTY AND PROVIDING A REASONABLE TIMETABLE FOR CORRECTIVE ACTION. IF SUFFICIENT REASON IS PROVIDED, THE ZONING ADMINISTRATOR SHALL WITHDRAW THE NOTICE OF ABANDONMENT AND THE OWNER OF THE WIND ENERGY SYSTEM WILL BE NOTIFIED.**

**(b) IF THE WIND ENERGY SYSTEM IS DETERMINED TO BE ABANDONED, THE OWNER SHALL REMOVE THE WIND ENERGY SYSTEM WITHIN 3 MONTHS OF THE DATE OF THE NOTICE OF ABANDONMENT, AT THE OWNER'S EXPENSE. IF THE OWNER FAILS TO REMOVE THE WIND ENERGY SYSTEM, THE ZONING ADMINISTRATOR MAY PURSUE LEGAL ACTION TO HAVE THE WIND ENERGY SYSTEM REMOVED AT THE OWNER'S EXPENSE.**

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**CAPITALS AND BOLD TYPE INDICATE MATTER ADDED TO EXISTING LAW; Strike-through indicates matter deleted from existing law.**

(13) ALL WIND ENERGY SYSTEMS SHALL COMPLY WITH THE LIMITATIONS CONTAINED IN THE NOISE ORDINANCE OF FREDERICK COUNTY (FREDERICK COUNTY CODE §1-11-6).

(B) IT IS UNLAWFUL FOR ANY PERSON TO CONSTRUCT, INSTALL, OR OPERATE A WIND ENERGY SYSTEM THAT IS NOT IN COMPLIANCE WITH THIS CHAPTER OR WITH ANY CONDITION CONTAINED IN A BUILDING PERMIT ISSUED PURSUANT TO THIS CHAPTER, OR THAT IS IN VIOLATION OF ANY STATE OR FEDERAL REGULATION.

ARTICLE XI: DEFINITIONS

§1-19-11.100. DEFINITIONS.

**SOLAR ARRAY.** A GROUND MOUNTED SOLAR COLLECTION SYSTEM CONSISTING OF A LINKED SERIES OF PHOTOVOLTAIC MODULES.

**SOLAR COLLECTION SYSTEM.** A PANEL OR OTHER SOLAR ENERGY DEVICE, 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.

**WIND ENERGY SYSTEM.** EQUIPMENT THAT CONVERTS AND STORES OR TRANSFERS ENERGY FROM THE WIND INTO ELECTRICITY OR OTHER USABLE FORMS OF ENERGY. THIS EQUIPMENT INCLUDES ANY BASE, VANE, BLADE, FOUNDATION, GENERATOR, ALTERNATOR, TOWER, TRANSFORMER, TAIL, WIRE, INVERTER, BATTERIES, GUY WIRE OR OTHER COMPONENT USED IN THE SYSTEM.

**LIMITED WIND ENERGY SYSTEM.** A SINGLE-TOWERED WIND ENERGY SYSTEM THAT HAS A RATED NAMEPLATE CAPACITY OF 50 KILOWATTS OR LESS; AND HAS A TOTAL HEIGHT OF 150 FEET OR LESS.

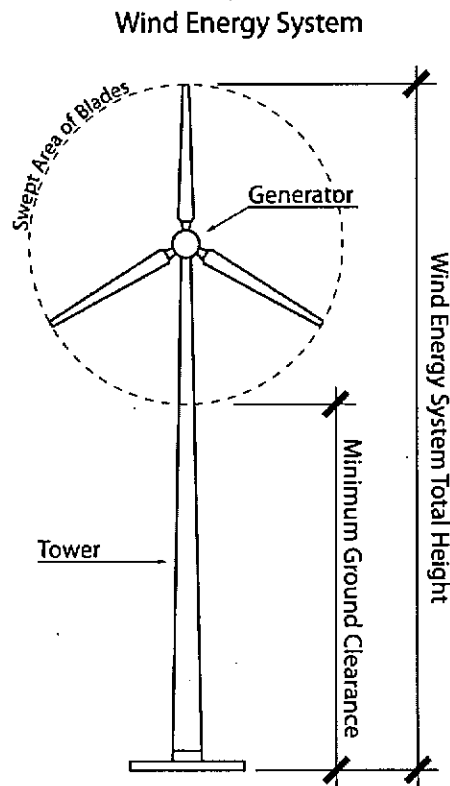
**WIND ENERGY SYSTEM TOTAL HEIGHT.** THE VERTICAL DISTANCE FROM GROUND LEVEL TO THE TIP OF A WIND GENERATOR VANE OR BLADE WHEN THE TIP IS AT ITS HIGHEST POINT.

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CAPITALS AND BOLD TYPE INDICATE MATTER ADDED TO EXISTING LAW; Strike-through indicates matter deleted from existing law.

**WIND GENERATOR.** BLADES AND ASSOCIATED MECHANICAL AND ELECTRICAL CONVERSION COMPONENTS MOUNTED ON TOP OF THE TOWER.

**WIND TOWER.** THE MONOPOLE, FREESTANDING, OR GUYED STRUCTURE THAT SUPPORTS A WIND GENERATOR.



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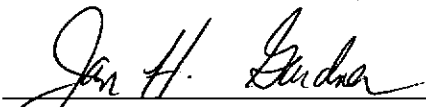
AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on May 8, 2009.

The undersigned hereby certifies that this Ordinance was approved and adopted on the 28<sup>th</sup> day of April, 2009.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY, MARYLAND

  
\_\_\_\_\_  
Ronald A. Hart  
County Manager

  
\_\_\_\_\_  
Jan H. Gardner  
President

Misc 5/6/09

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