

Wicomico County Solar and Wind Zoning

This document provides a compilation of excerpts from the Wicomico 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 Wicomico County Zoning Code treats a large-scale solar energy project as a “Privately Owned and Operated Utility.”
 - Permitted, by special exception, in the following zoning districts: General Commercial (C-2), Light Industrial (I-1), Heavy Industrial (I-2), Agricultural Rural (A-1), Village Conservation (V-C), Residential (R-8, R-15, R-20, REC, and R-30), and Town Transition (TT).

Relevant Sections of the Wicomico County Code

- **Chapter 225: Zoning:**
 - Attachment 1: Table of Permitted Uses Part I: Resource Conservation and Residential Districts (Attachment 1:4).
 - Attachment 2: Table of Permitted Uses Part II: Commercial Institutional, Business and Industrial Districts (Attachment 2:9).

SMALL SOLAR

Summary

- The Wicomico County Zoning Code does not have specific zoning districts designated for small-scale/accessory solar projects.

Relevant Sections of the Wicomico County Code

- No document available for viewing.

WIND

Summary

- The Wicomico County Zoning Code treats large-scale wind energy projects as “Privately owned and operated utility.”
 - Permitted, by special exception, in the C-2, I-1, I-2, A-1, V-C, R-8, R-15, R-20, REC, R-30, and TT zoning districts.

Relevant Sections of the Wicomico County Code

- **Chapter 225: Zoning:**
 - Attachment 1: Table of Permitted Uses Part I: Resource Conservation and Residential Districts (Attachment 1:4).
 - Attachment 2: Table of Permitted Uses Part II: Commercial Institutional, Business and Industrial Districts (Attachment 2:9).

SMALL WIND

Summary

- The Wicomico County Zoning Code defines “small-scale wind energy systems” as a wind generating system that does not exceed 150 ft. in total height.
 - Permitted as accessory use in all zoning districts.

Relevant Sections of the Wicomico County Code

- **Chapter 225: Zoning:**
 - Part 8: Special Standards for Particular Uses:
 - Definitions for "Wind Generator", "Mat Tower", " Rooftop Wind-Energy Systems", "Wind Tower", "Total Height", and "Small Wind-Energy Systems" and purpose, applicability, and setback requirements (Section 225-115.1).

ZONING

225 Attachment 1

Wicomico County

Table of Permitted Uses

Part I

Resource Conservation and Residential Districts

[Amended 2-5-2013 by Bill No. 2012-17]

KEY:

P = Permitted

SE = Special exception by the Board of Appeals

SPC = Special exception by the Planning Commission

Use Description	Zoning District							
	A-1	V-C	R-8	R-15	R-20	REC	R-30	TT
Agricultural:								
Adaptive reuse of agriculture buildings for lease storage	SE	SE						SE
Agricultural equipment sales	SE	SE						SE
Agricultural operations, farming (See § 225-76.):								
Agricultural uses (less than 5 acres)	SE	SE	SE	SE	SE		SE	SE
Agricultural uses (5 acres to less than 20 acres)	P	P	P	P	P		P	P
Agricultural uses (20 acres or more)	P	P	P	P	P		P	P
Farm labor accommodations, seasonal	SE							SE
Farmers' markets (See § 225-92.)	SE	SE						SE
Farm-related business (See § 225-91.)	SE	SE						SE
Feedlot (See § 225-74 for bulk regulations.)	SE							
Fisheries	P	P						
Forestry	P	P	P	P	P	P	P	P
Game preserves	P							
Grain mills and feed supply	SE							
Hatchery	SE							
Hunting camp	SE							
Kennel, commercial (See § 225-99.)	SE	SE						
Livestock market (See § 225-101.)	SE							
Nursery, commercial (See § 225-104.)	SE	SE						SE

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Use Description	Zoning District							
	A-1	V-C	R-8	R-15	R-20	REC	R-30	TT
Roadside stand	P	P	P	P	P	P	P	P
Sand, gravel or clay excavations (See borrow pit.) (See § 225-111.)	SE							
Sawmill (See § 225-112.):								
Less than 6 months	P							
6 months or greater	SE							
Stables, commercial	P	P						
Wayside stand (See § 225-118.)	P	P	SE	SE	SE		SE	SE
Commercial Service:								
Barbershop, beauty salon, nail salon	SE	SE						
Office buildings and offices		SE				SE		
Veterinary clinic	SE	SE						
Neighborhood commercial		SE						
Convenience mini-market (with or without fuel)		SE						
Small contracting business	SE	SE						SE
Studios		SE						
Emergency Services:								
Fire station/rescue with assembly hall	P	P	P	P	P	P	P	P
Fire stations/rescue without assembly hall	P	P	P	P	P	P	P	P
Rescue squad, ambulance service (private)	SE	SE	SE	SE	SE	SE	SE	SE
Institutional:								
Cemeteries (See § 225-83.):								
Cemeteries not affiliated with a place of religious assembly	SE	SE						SE
Family burial ground	SE	SE						SE
Libraries, museums	P	P	P			SE		P
Places of religious assembly (See § 225-105.)	P	P	SE	SE	SE	SE	SE	P
Private clubs	SE	SE	SE			SE		SE
Schools:								
Nursery	SE	SE	SE	SE	SE		SE	SE
Of general instruction (See § 225-114.)	SE	SE	SE	SE	SE		SE	SE
Of special instruction	P	P						P
Miscellaneous Use:								
Temporary mobile offices or travel trailers	SE	SE	SE					SE

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Use Description	Zoning District							
	A-1	V-C	R-8	R-15	R-20	REC	R-30	TT
Public and Semipublic Facilities:								
Airport privately owned and managed (See § 225-77.)	SE							
Transportation:								
Bus depot, including Wicomico transit	P	P	P	P	P	SE	P	P
Park-and-ride facilities	SE	SE						
Train station	SE	SE						
Recreation, Amusement, Entertainment:								
Athletic fields	SE	SE	SE					SE
Campgrounds, recreational vehicle parks (See § 225-81.)	SE	SE						
Golf courses (See § 225-94.):								
As part of a residential subdivision	SPC	SPC	SPC	SPC	SPC		SPC	SPC
Separate from a residential subdivision	SE	SE	SE	SE	SE		SE	SE
Golf driving range, not part of a golf course	SE							
Marinas:								
Commercial	SPC	SPC						
Recreational	SPC	SPC						
Outdoor community events	P	P						
Privately owned facilities, as part of a residential development	SE	SE	SE	SE	SE		SE	SE
Privately owned outdoor recreational facilities not constructed as part of a residential development	SE	SE	SE	SE	SE		SE	SE
Rifle and pistol range, war games, archery ranges (See § 225-109.)	SE							
Residential:								
Bed-and-breakfast	SE	SE	SE	SE	SE		SE	SE
Country inn	SE	SE						
Day care (See § 225-82.)								
Center	SE	SE	SE	SE	SE			SE
Elderly	SE	SE	SE	SE	SE			SE
Family	P	P	P	P	P		P	P
Dwellings:								
Single-family detached	P	P	P	P	P	SE	P	P
Manufactured home - double-wide (See § 225-87.)	P	P						SE

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Use Description	Zoning District							
	A-1	V-C	R-8	R-15	R-20	REC	R-30	TT
Manufactured home - single-wide (See § 225-88.)	SE	SE						
Modular home	P	P	P	P	P	SE	P	P
Tenant house (See § 225-89.)	P							
Two-family	SE	SE	SE	SE	SPC			SPC
Accessory apartment (See § 225-60.)	SE	SE	SE	SE	SE		SE	SE
Apartments (See § 225-78.)			SPC	SPC	SPC			SPC
Townhouse (See § 225-90.)		SPC	SPC	SPC	SPC			SPC
Hardship	SE	SE						SE
Emergency housing	P	P	P	P	P	SE	P	P
Dwelling unit with a commercial/business/office building in an approved PUD		SE	SE	SE				SE
Group homes	P	P	P	P	P	SE	P	P
Group home, more than 8 persons	SE	SE	SE	SE	SE	SE	SE	SE
Group home, youth	SE	SE	SE	SE	SE	SE	SE	SE
Guest rooms	P		P	P			P	
Home-based business (See § 225-97.)								
Type I home-based business	P	P	P	P	P	SE	P	P
Type II home-based business	SE	SE	SE	SE	SE	SE	SE	SE
Type III home-based business	SE	SE						
Manufactured home park (See § 225-102.)	SPC	SPC						
Mobile office, temporary with an approved construction or development project	P	P	P	P	P	SE	P	P
Rehabilitative housing (See § 225-107.)	SE	SE	SE					SE
Utilities:								
Privately owned and operated utility	SE	SE	SE	SE	SE	SE	SE	SE
Public utilities								
Public utilities as defined in §§ 225-3 and 225-66	P	P	P	P	P	P	P	P
Relay stations, storage stations, electric substations, utility operation centers, and overhead electric power transmission lines of greater than 69,000 kv	SE	SE	SE	SE	SE	SE	SE	SE
Wireless telecommunication facilities (§ 225-119.)	SE							

ZONING

225 Attachment 2

Wicomico County

Table of Permitted Uses

Part II

Commercial, Institutional, Business and Industrial Districts

[Amended 5-6-2008 by Bill No. 2008-2; 3-3-2009 by Bill No. 2009-03]

KEY:

P = Permitted

SE = Special exception by the Board of Appeals

SPC = Special exception by the Planning Commission

Use Description	Zoning District						
	C-1	C-2	C-3	LB-1	LB-2	I-1	I-2
Agricultural:							
Agriculture equipment sales, service and repair		P	P	P		P	
Agricultural operations, farming (See § 225-76.):							
Agricultural uses (less than 5 acres)		SE				P	
Agricultural uses (5 acres or more)		P	P			P	
Farmers' market (See § 225-92.)	P			P			
Farm-related business (See § 225-91.)		P				P	P
Fisheries			P				P
Forestry	P	P	P	P	P	P	P
Grain mills and feed supply		P				P	P
Hatcheries, poultry						P	
Kennel, commercial (See § 225-99.)		P					
Livestock market (See § 225-101.)							SE
Nursery, commercial (See § 225-104.)		P					
Roadside stand	P				P		
Sand, gravel or clay excavations, including storage, drying and sales (mineral extraction) (See § 225-111.)							SE
Sawmill and other wood-processing facilities, except treatment (See § 225-112.)							P
Wayside stand (See § 225-118.)	P	P					

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Use Description	Zoning District						
	C-1	C-2	C-3	LB-1	LB-2	I-1	I-2
Commercial Retail and Wholesale:							
Adult bookstore and/or adult-oriented entertainment establishment			SPC				
Auction houses		P				P	
Building supply or lumberyards		P	P				P
Convenience/mini-market with or without fuel sales	P	P	P	SPC			
Mail order house		P	P	P		P	
Manufactured home sales and service		SE					
Marine supplies, boats or equipment sales, service or repair		P					P
Motorcycles, ATVs and similar vehicles and equipment sales, service or repair				SPC			
Restaurants:	SPC	P	P	P	SE		
Drive-thru/fast-food		P		SPC	SE	SE	
Retail sales (See § 225-108.):	P	P	P	SPC	P		
Freestanding retail department or general merchandising stores greater than 50,000 square feet, not located in a shopping center		P	SPC				
Specialty food/retail stores	P	P	P	P	P		
Self storage	SE	P		SPC		P	P
Shopping centers (See § 225-115.):							
Community shopping center		SPC	SPC				
Neighborhood shopping center	SPC	SPC		SPC			
Regional shopping center		SPC	SPC				
Wholesale sales:							
10,000 square feet of gross floor area or greater	P	P					
Less than 10,000 square feet of gross floor area	P	P	P	P			
Commercial Service:							
Bakery, including candy and ice cream	P	P	P				
Broadcasting, recording, television and communication offices and studios, excluding accessory antennas, towers and satellite disks	P	P	P	P	P		
Conference center		SPC	SPC	SPC			
Day care as an independent use or day-care services for employees and patrons of the permitted use as an accessory use			P		P		
Financial institutions	P	P	P	P	P	P	

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Use Description	Zoning District						
Entertainment uses including nightclubs, bars and dance halls, but not including adult uses		P	P				
Funeral home	P	P		P	P		

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Use Description	Zoning District						
	C-1	C-2	C-3	LB-1	LB-2	I-1	I-2
Health club	P	P		P			
Hotel/motel:							
With 50 rooms or more	SPC	P	P	SPC			
With fewer than 50 rooms	P	P	P	SPC			
Office buildings and offices	P	P	P	P	P	P	P
Service establishments (See § 225-113.)	P	P	P	P	P		
Small contracting business		P				P	
Studios of a photographer, artist and writer, including teaching studios for art, crafts, drama, dance and music	P	P	P	P	P		
Veterinary clinic		P					
Emergency Services:							
Fire station with assembly hall	P	P	P	P	P	P	P
Fire stations without assembly hall	P	P	P	P	P	P	P
Rescue squad, ambulance service (private companies)	P	P	P	P	P	P	P
Industrial:							
Asphalt plants							SE
Assembly of leather goods and products						P	P
Assembly of products from previously processed metals, including bolts, nuts, screws, rivets, ornamental iron products, firearms, electrical appliances, tools, pumps, dies, machinery, hardware, wire						P	P
Assembly and repair of products from previously processed wood, including boxes, furniture, cabinets, baskets and other wood products of similar nature						P	P
Assembly and repair or the manufacture of finished products from sheet-metal materials, including heating, ventilating, cooking or refrigeration supplies and appliances							P
Assembly of equipment, including medical and dental equipment, drafting materials, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus, gas pumps and related products and tools						P	P
Assembly of finished products	SE					P	P

ZONING

Use Description	Zoning District						
	C-1	C-2	C-3	LB-1	LB-2	I-1	I-2
Assembly of products from previously prepared materials, including fiber glass, ceramics, microchips, computer products, glass, plastic, precious or semiprecious stones or metals						P	P
Assembly of products from textiles, including rugs, mattresses, pillows, quilts, millinery, hosiery, clothing, yarn, thread, fabrics and printing and finishing of textiles and fibers into fabric goods						P	P
Assembly of shipping containers, corrugated board, fiber and wire-bound and wood and plastic containers						P	P
Blacksmith shop, forge or foundries						P	P
Blending or bottling of beverages						P	P
Blending, mixing or bottling of beverages or distilling of grain for fuel							P
Bulk storage or processing of grain or feeds						P	P
Bulk storage, drying or sales of natural, unadulterated sand, gravel, clay or stone							P
Coal or wood yards storage or sales							P
Composting facility, as either a principal or accessory use							SE
Compounding of and mixing of products from previously processed materials, cosmetics, toiletries, drugs and pharmaceutical products						P	P
Concrete or terra cotta or brick products manufacturing, storage or sales							P
Contractor's yard							P
Fertilizer manufacture							SE
Fertilizer mixing or storage							P
Food processing facility for either animal, poultry or human consumption, including on-site storage and distribution							P
Ice factories							P
Light industry (See § 225-100.)		SE				P	P
Machine shops							P
Manufacturing							P
Manufacture of bakery products, candy, dairy products and ice cream						P	P
Marina/shipyard, industrial, including the storage or sale or service of boats or marine equipment or supplies							SPC
Marine, terminal							SPC

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Use Description	Zoning District						
	C-1	C-2	C-3	LB-1	LB-2	I-1	I-2
Microbrewery:							
As an accessory use in restaurant	SPC	P	P	P		SE	
As a stand-alone use		SE	SPC			P	P
Petroleum, propane, chemical or natural gas manufacture, refining or storage on 5 acres or more							SE
Photographic processing and blueprinting establishments						P	P
Portable storage containers, as an accessory use						P	P
Power-generating facilities, privately owned							SE
Printing, publishing or bookbinding		P				P	P
Rail yards							P
Recycling facility						SE	SE
Research establishment				SPC		P	P
Rubble landfill							SE
Sanitary landfill, publicly or privately owned:							SE
With outside storage	SPC	SPC	SPC				
Without outside storage	SPC	P	P				
Sheet metal stamping						P	P
Shipyards, boat or marine equipment manufacturing							SPC
Sludge handling							SE
Soil remediation facility							SE
Stone crusher							SE
Stone monuments, cutting or polishing							P
Truck or railroad terminals, including related repair or storage facilities						SE	SE
Warehouse (See § 225-117.):							
Less than 40,000 square feet gross floor area		P		P		P	P
Greater than 40,000 square feet gross floor area		SPC				P	P
Welding shops, ornamental iron works						P	P
Wood treatment facility for the treatment of wood or wood products with chemicals of any type							SE
Winery, including incidental sales of wine products produced on-site						P	P
Wood products assembly or manufacture							P

ZONING

Use Description	Zoning District						
	C-1	C-2	C-3	LB-1	LB-2	I-1	I-2
Institutional:							
Cemeteries not affiliated with places of religious assembly (See § 225-83.):							
Lot less than 5 acres		SE					
Lots 5 acres and greater		P					
Crematorium (See § 225-84.)		SE	SPC			SE	
Hospitals, sanitariums or sanatoriums (See § 225-98.)	SPC	SE	SPC				
Libraries, museums, art galleries, meeting rooms	P	P		P			
Medical facility or clinic for human care	P	P	P	P			
Nursing care facility		SE	SPC	SPC			
Places of religious assembly (See § 225-105.)	P	P	P	P	P	P	
Private clubs (service clubs and fraternal organizations)	P	P		P			
Schools:							
Nursery	SPC			SPC	SPC		
Of general instruction (See § 225-114.)				P	SPC		
Of special instruction		P		P	SPC		
Miscellaneous Use:							
Accessory structures and uses	P	P	P	P	P	P	P
Outdoor advertising structure		SE				SE	SE
Zoos and zoological gardens		SE	SPC				
Motor Vehicle-Related Sales and Service Operations:							
Car wash		P					
Motor vehicle rental		P	P				P
Motor vehicle sales		P	P				
Motor vehicle service stations, with or without fuel sales	P	P	P	SPC			P
Parking lot or parking structure	P	P	P				P
Salvage yard (See § 225-110.)							SE
Storage trailer sales or rental facility							SE
Public and Semipublic Facilities:							
Transportation:							
Bus depot	P	P	P	P		P	P
Park and ride facilities	P	P	P	P		P	P
Train station		SE	SPC			SE	SE

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Use Description	Zoning District						
	C-1	C-2	C-3	LB-1	LB-2	I-1	I-2
Recreation, Amusement, Entertainment:							
Amusement parks		SE					
Automobile and motorcycle racing tracks		SE					
Campgrounds, recreational vehicle parks (See § 225-81.)		SE					
Commercial recreation uses		P	P			P	
Go cart, off-road motorcycle, and off-road bicycle tracks		SE					
Golf courses (See § 225-94.)		SE					
Golf driving range, not part of a golf course		SE					
Golf, miniature		SE					
Indoor recreation		P	P	P		SE	SE
Indoor rifle and pistol ranges, commercial	SPC	SE	SPC			SE	
Marina:							
Commercial		SPC					SPC
Recreational		SPC					
Outdoor community events		P					
Rifle and pistol range, war games, archery ranges		SE					
Stadium		P	P				
Theater:							
Indoor	P	P	P				
Outdoor (See § 225-109.)		SE					
Residential:							
Accessory apartment	SPC	SE					
Bed-and-breakfast (See § 225-80.)							
Country inn					P		
Day care (See § 225-82.):							
Center		P		P	P		
Elderly		P		P	P		
Family		P		P	P		
Dwelling:							
Single-family detached					P		
Manufactured home - double-wide (See § 225-87.)							
Two-family					P		

ZONING

Use Description	Zoning District						
	C-1	C-2	C-3	LB-1	LB-2	I-1	I-2
Apartments and apartment projects (See § 225-78.)					P		
Townhouse (See § 225-90.)				P			
Dwelling unit with a commercial/business/office building	P	P		P	P		
Group homes/youth group homes (See § 225-96.)					P		
Guest rooms (See § 225-97.)					P		
Home-based business (See § 225-97.):							
Type I home-based business				P	P		
Type II home-based business				SPC	SPC		
Type III home-based business							
Manufactured home park (See § 225-102.)		SPC					
Mobile office, temporary in conjunction with an approved construction or development project	P	P	P	P		P	P
Rehabilitative housing (See § 225-107.)					P		
Utilities:							
Privately owned and operated utility		P				P	P
Public utility:							
Public utility as defined in §§ 225-3 and 225-66	P	P	P	P	P	P	P
Relay stations, storage stations, electric substations, and overhead electric power transmission lines of greater than 69,000 kv	SPC	SE	SPC	SPC	SPC	SE	SE
Wireless telecommunication facilities (See § 225-119.)		SE					SE

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND
LEGISLATIVE SESSION, 2010
BILL NO. 2010-03

Introduced: March 2, 2010

BY: Mrs. Bartkovich, Mrs. Sample-Hughes, Mr. Cannon, Mrs. Prettyman, Mr. McCain,
Mr. MacLeod and Mr. Holloway.

AN ACT to amend Chapter 225 titled "Zoning", Article XX titled "Uses And Standards Enumerated" section §225-115.1 titled "Small Wind Energy Systems" to add provisions to the Wicomico County Code regulating small wind energy systems and to preserve and protect the public's health and safety.

PREAMBLE

WHEREAS, The Wicomico County Code, Chapter 225, titled "Zoning," established the zoning regulations throughout the County to promote the public health, safety and general welfare and prescribing the most desirable use for which land in each zoning district may be adapted and those uses to be subjected to special regulations, while conserving the value of land throughout the County; and

WHEREAS, The Wicomico County Code, Chapter 225 titled "Zoning", has no provisions regulating small wind energy systems; and

WHEREAS, it appears advisable upon the recommendation of the Executive, that the County Code be amended to add provisions to the County Code to regulate the installation and construction of small wind energy systems in Wicomico County for private landowners, subject to restrictions, which will promote and preserve the public health and safety.

SECTION I. BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that Chapter 225, titled "Zoning", Article XX titled "Uses And Standards Enumerated", section §225-115.1 titled "Small Wind Energy Systems" be and the same is hereby amended and enacted to read as follows:

Chapter 225 Zoning
Part 8 Special Standards For Particular Uses
Article XX Uses And Standards Enumerated

§225- 115.1 Small Wind Energy Systems

A. PURPOSE. THE PURPOSE OF THESE PROVISIONS IS TO FACILITATE THE INSTALLATION AND CONSTRUCTION OF SMALL WIND ENERGY SYSTEMS IN WICOMICO COUNTY FOR PRIVATE LANDOWNERS, SUBJECT TO REASONABLE RESTRICTIONS, WHICH WILL PRESERVE AND PROTECT THE PUBLIC'S HEALTH AND SAFETY. SMALL WIND ENERGY SYSTEMS SHALL BE USED FOR THE PRIMARY PURPOSE OF GENERATING POWER FOR THE PROPERTY ON WHICH THE SYSTEM IS LOCATED.

B. APPLICABILITY. THE REQUIREMENTS OF THIS SECTION SHALL APPLY TO ALL SMALL WIND ENERGY SYSTEMS PROPOSED AFTER THE EFFECTIVE DATE OF THIS BILL. SMALL WIND ENERGY SYSTEMS FOR WHICH A REQUIRED PERMIT HAS BEEN PROPERLY ISSUED PRIOR TO THE EFFECTIVE DATE OF THIS BILL SHALL NOT BE REQUIRED TO MEET THE REQUIREMENTS OF THIS SECTION; PROVIDED, HOWEVER, THAT ANY SUCH PRE-EXISTING SMALL WIND ENERGY SYSTEM THAT IS NOT PRODUCING ENERGY FOR A CONTINUOUS PERIOD OF TWELVE (12) MONTHS SHALL MEET THE REQUIREMENTS OF SECTION §225-115.1 PRIOR TO RECOMMENCING PRODUCTION OF ENERGY. NO MODIFICATION THAT INCREASES THE HEIGHT OF THE SYSTEM OR SIGNIFICANTLY INCREASES ITS OUTPUT SHALL BE ALLOWED WITHOUT FULL COMPLIANCE WITH SECTION §225-115.1.

C. DEFINITIONS.

MET TOWER. A "METEOROLOGICAL TOWER" OR "MET TOWER" IS A STRUCTURE DESIGNED TO SUPPORT THE GATHERING OF WIND ENERGY RESOURCE DATA, AND INCLUDES THE TOWER, BASE PLATE, ANCHORS, GUY CABLES, HARDWARE, ANEMOMETERS (WIND SPEED INDICATORS), WIND DIRECTION VANES, BOOMS TO HOLD EQUIPMENT, DATA LOGGER, INSTRUMENT WIRING, AND ANY TELEMETRY DEVICES THAT ARE USED TO MONITOR OR TRANSMIT WIND SPEED AND WIND FLOW CHARACTERISTICS OVER A PERIOD OF TIME FOR EITHER INSTANTANEOUS WIND INFORMATION OR TO CHARACTERIZE THE WIND RESOURCE AT A GIVEN LOCATION.

ROOFTOP WIND ENERGY SYSTEMS- SHALL CONSIST OF A WIND TURBINE(S) AND ASSOCIATED EQUIPMENT FOR CONVERTING WIND ENERGY TO POWER AND ATTACHMENT TO THE ROOFTOP.

SMALL WIND ENERGY SYSTEM. A SINGLE TOWERED WIND ENERGY SYSTEM CONSISTING OF A WIND TURBINE, BASE, TOWER AND ASSOCIATED CONTROL OR CONVERSION ELECTRONICS THAT:

A. ARE USED TO GENERATE ELECTRICITY; AND

~~B. HAS A RATED NAMEPLATE CAPACITY OF 100 KILOWATTS OR LESS;
AND~~

BC. HAS A TOTAL HEIGHT OF 150 FEET OR LESS.

TOTAL HEIGHT. THIS IS THE DISTANCE MEASURED FROM THE GROUND LEVEL TO THE BLADE EXTENDED AT ITS HIGHEST POINT.

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

WIND TOWER. THE MONOPOLE, FREESTANDING, OR GUYED STRUCTURE THAT SUPPORTS THE SMALL WIND ENERGY SYSTEM.

D. STANDARDS. A SMALL WIND ENERGY SYSTEM SHALL BE AN ACCESSORY USE IN ALL ZONING DISTRICTS SUBJECT TO THE FOLLOWING REQUIREMENTS:

(1) SETBACKS. A WIND TOWER FOR A SMALL WIND ENERGY SYSTEM SHALL BE SET BACK A DISTANCE EQUAL TO ITS TOTAL HEIGHT PLUS TWENTY (20) FEET FROM:

(a) ANY STATE OR COUNTY RIGHT OF WAY OR THE NEAREST EDGE OF A STATE OR COUNTY ROADWAY, WHICHEVER IS CLOSER;

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

(c) ANY OVERHEAD UTILITY LINES. SERVICE LINES OWNED BY A PRIVATE PROPERTY OWNER OF THE LAND ON WHICH THE SERVICE LINES SIT ARE EXEMPT FROM THE SETBACK.;

(d) ALL PROPERTY LINES. THIS SETBACK IS NOT APPLICABLE TO ADJACENT PARCELS THAT HAVE COMMON OWNERSHIP.; AND

(e) ANY EXISTING GUY WIRE, ANCHOR OR SMALL WIND ENERGY SYSTEM ON THE PROPERTY.

(2) ACCESS.

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

(b) THE WIND TOWER SHALL NOT BE CLIMBABLE UP TO TWELVE (12) FEET ABOVE THE GROUND.

~~(3) ELECTRICAL WIRES. ALL ELECTRICAL WIRES ASSOCIATED WITH A SMALL WIND ENERGY SYSTEM, OTHER THAN 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, SHALL BE LOCATED UNDERGROUND.~~

~~(34) LIGHTING. A WIND TOWER AND WIND GENERATOR SHALL NOT BE ARTIFICIALLY LIGHTED UNLESS SUCH LIGHTING IS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION (FAA). LIGHTING OF OTHER PARTS OF THE SMALL WIND ENERGY SYSTEM, SUCH AS APPURTENANT STRUCTURES, SHALL BE LIMITED TO THAT REQUIRED FOR SAFETY PURPOSES, AND SHALL BE REASONABLY SHIELDED FROM ABUTTING PROPERTIES.~~

~~(4) APPEARANCE, COLOR, AND FINISH. THE WIND GENERATOR AND WIND TOWER SHALL REMAIN PAINTED OR FINISHED THE COLOR OR FINISH THAT WAS ORIGINALLY APPLIED BY THE MANUFACTURER, SUBJECT TO THE APPROVAL OF THE ZONING ADMINISTRATOR.~~

~~(46) SIGNS. SMALL WIND ENERGY SYSTEMS SHALL NOT BE USED FOR DISPLAYING ANY ADVERTISING EXCEPT REASONABLE IDENTIFICATION OF THE MANUFACTURER, OPERATOR, OR OWNER OF THE SYSTEM AND WARNING SIGNS OF THE SYSTEM. NO SIGN SHALL BE VISIBLE FROM A PUBLIC ROAD.~~

~~(57) CODE COMPLIANCE. A SMALL WIND ENERGY SYSTEM SHALL COMPLY WITH ALL APPLICABLE CONSTRUCTION AND ELECTRICAL CODES.~~

~~(68) UTILITY NOTIFICATION AND INTERCONNECTION. SMALL WIND ENERGY SYSTEMS THAT CONNECT TO AN ELECTRIC UTILITY SHALL COMPLY WITH THE PUBLIC SERVICE COMMISSION REGULATIONS.~~

~~(79) SMALL WIND ENERGY SYSTEMS, AS DEFINED, SHALL NOT BE ATTACHED TO ANY BUILDING, INCLUDING ATTACHMENT BY GUY~~

WIRES. ROOFTOP WIND ENERGY SYSTEMS ARE ALLOWED TO BE ATTACHED TO BUILDINGS PROVIDED SUCH STRUCTURES:

~~(a) ARE SET BACK AT LEAST 20 FEET FROM THE FRONT PROPERTY LINE, OR IN THE CASE OF A CORNER LOT, AT LEAST 15 FEET FROM THE FRONT AND SIDE PROPERTY LINE.~~

~~(b) ARE LIMITED TO A HEIGHT OF NO MORE THAN 15 FEET ABOVE THE ROOFTOP.~~

~~(c) ARE SAFELY AND SECURELY ATTACHED TO THE ROOFTOP IN COMPLIANCE WITH THE WICOMICO COUNTY BUILDING CODE AND APPROVED BY THE WICOMICO COUNTY DEPARTMENT OF PUBLIC WORKS.~~

~~(840) MET TOWERS SHALL BE PERMITTED UNDER THE SAME STANDARDS, PERMIT REQUIREMENTS, RESTORATION REQUIREMENTS, AND PERMIT PROCEDURES AS A SMALL WIND ENERGY SYSTEM.~~

~~(944) A SMALL WIND ENERGY SYSTEM SHALL COMPLY WITH ALL REQUIREMENTS OF THE FEDERAL AVIATION ADMINISTRATION (FAA) AND THE MARYLAND AVIATION ADMINISTRATION (MAA). THIS INCLUDES WHEN APPLICABLE FILING FEDERAL AVIATION ADMINISTRATION FORM 7460-1, "NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION." A SMALL WIND ENERGY SYSTEM CANNOT BE AN OBSTRUCTION TO NAVIGABLE AIRSPACE.~~

E. NOISE. ALL SMALL WIND ENERGY SYSTEM SHALL COMPLY WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT'S NOISE REGULATIONS. (COMAR §26.02.03 CONTROL OF NOISE POLLUTION)

F. GROUND CLEARANCE. THE BLADE TIP OF ANY SMALL 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.

G. ABANDONMENT.

(1) ANY SMALL WIND ENERGY SYSTEM FOUND TO BE UNSAFE BY THE BUILDING OFFICIAL SHALL BE REPAIRED BY THE LANDOWNER TO MEET FEDERAL, STATE AND LOCAL SAFETY STANDARDS OR REMOVED WITHIN NINETY (90) DAYS SIX (6) MONTHS.

(2) THE ZONING ADMINISTRATOR MAY ISSUE A NOTICE OF ABANDONMENT TO THE OWNER OF A SMALL WIND ENERGY SYSTEM THAT HAS BEEN OUT OF SERVICE FOR A CONTINUOUS TWELVE (12) MONTH PERIOD. THE COUNTY WILL REQUEST IN WRITING SENT BY REGISTERED MAIL CORRECTIVE ACTION TO BE TAKEN AND PROVIDE THE OWNER THIRTY (30) DAYS TO RESPOND IN WRITING, TO THE NOTICE OF ABANDONMENT. IN THE RESPONSE, THE OWNER SHALL SET FORTH REASONS FOR THE OPERATIONAL DIFFICULTY AND PROVIDE A REASONABLE TIMETABLE FOR CORRECTIVE ACTION.

(a) IF SUFFICIENT REASON IS PROVIDED, THE ZONING ADMINISTRATOR SHALL WITHDRAW THE NOTICE OF ABANDONMENT AND THE OWNER OF THE SMALL WIND ENERGY SYSTEM WILL BE NOTIFIED.

(b) IF THE REASONS PROVIDED ARE UNREASONABLE AND IT IS DETERMINED THAT THE SMALL WIND ENERGY SYSTEM HAS BEEN ABANDONED, THE ZONING ADMINISTRATOR MUST NOTIFY THE OWNER AND SUCH OWNER SHALL REMOVE THE SMALL WIND ENERGY SYSTEM AT THEIR OWN EXPENSE WITHIN ~~A HUNDRED AND TWENTY NINETY (90) DAYS~~ NINETY (90) DAYS OF RECEIPT OF NOTICE FROM THE COUNTY.

(c) IF THE OWNER FAILS TO REMOVE THE SMALL WIND ENERGY SYSTEM, THE ZONING ADMINISTRATOR MAY PURSUE LEGAL ACTION, IF NECESSARY, TO HAVE THE SMALL WIND ENERGY SYSTEM REMOVED AT THE OWNER'S EXPENSE.

H. PUBLIC SERVICE COMMISSION. IN ACCORDANCE WITH THE MARYLAND ANNOTATED CODE, PUBLIC UTILITIES COMPANIES, SECTION §7-207.1, ANY PROPERTY OWNER SEEKING TO CONSTRUCT A SMALL WIND ENERGY SYSTEM AND CONNECT SUCH SYSTEM TO THE MAIN POWER GRID WITH THE CAPABILITY OF TRANSPORTING ENERGY BACK TO THEIR MAIN POWER COMPANY SHALL APPLY TO THE PUBLIC SERVICE COMMISSION (PSC) FOR APPROVAL, IF APPLICABLE, AND PROVIDE DOCUMENTATION OF SUCH APPROVAL TO THE COUNTY PRIOR TO CONSTRUCTION AND BEING ISSUED A PERMIT.

~~I. VARIANCE. VARIANCES TO THE DISTANCES, RESTRICTIONS, AND STANDARDS CONTAINED IN THIS SECTION ARE NOT PERMITTED. SPECIAL EXCEPTION.~~ IN ACCORDANCE WITH WICOMICO COUNTY CODE CHAPTER

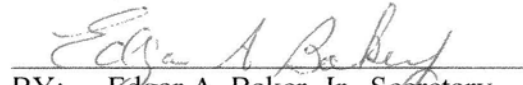
225, THE BOARD OF APPEALS MAY, BY SPECIAL EXCEPTION, ALLOW DEVIATIONS FROM THE STANDARDS SET FORTH IN §225-115.1 D, IF SUCH DEVIATION(S) WOULD NOT BE CONTRARY TO THE PUBLIC HEALTH, SAFETY, OR WELFARE AND THE GRANTING OF THE SPECIAL EXCEPTION WILL NOT BE A DETRIMENT TO ADJACENT AND NEIGHBORING PROPERTIES.

SECTION II. BE IT FURTHER ENACTED THAT this Bill shall be known as Bill No. 2010-03 of Wicomico County, Maryland and shall take effect sixty (60) days after its enactment, unless a proper Petition for Referendum thereof shall be filed prior to said date; in which event, the Bill shall not take effect until the expiration of thirty (30) days following the approval of this Bill by a majority of the qualified voters of the County voting in any such referendum.

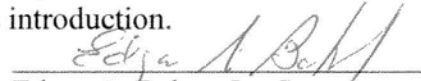
Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 18th day of May, 2010.

WICOMICO COUNTY, MARYLAND


BY: Gail M. Bartkovich, President


BY: Edgar A. Baker, Jr., Secretary

I HEREBY CERTIFY that twenty-five (25) copies of the above Bill are available for distribution to the public and press at the time of its introduction.


Edgar A. Baker, Jr., Secretary

Explanation:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

~~Strike out~~ indicates material deleted from law.

CAPITAL - ~~STRIKE OUT~~ indicates matter stricken from Bill by Amendment.

Underlining indicates Amendments to Bill

COUNTY COUNCIL
OF
WICOMICO COUNTY, MARYLAND

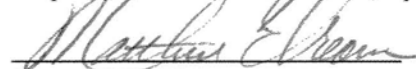
BILL NO. 2010-03
INTRODUCED BY: Council at request of Executive Legislative Day No. 05
Date: March 2, 2010

Introduced, read first time, ordered posted and public hearing scheduled on: April 6, 2010

Time: 6:30 p.m. Location: Council Chambers

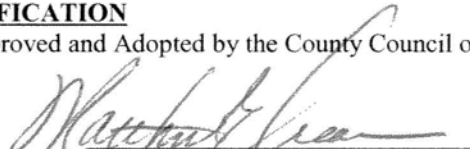
AN ACT to amend Chapter 225 titled "Zoning", Article XX titled "Uses And Standards Enumerated" section §225-115.1 titled "Small Wind Energy Systems" to add provisions to the Wicomico County Code regulating small wind energy systems and to preserve and protect the public's health and safety.

PUBLIC HEARING: Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on April 6, 2010 and concluded on, April 6, 2010.

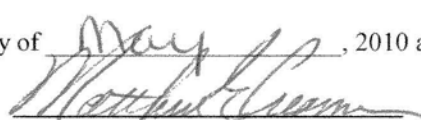

Council Administrator

CERTIFICATION

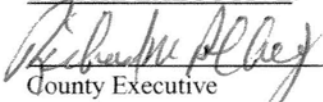
The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 18th day of May, 2010.


Council Administrator

Presented to the County Executive for approval this 20th day of May, 2010 at
4:30 a.m./p.m.
(5 days §411)


Council Administrator

BY THE EXECUTIVE:


County Executive

APPROVED

Date: May 21, 2010
(21 days §411)

VETOED

Date: _____

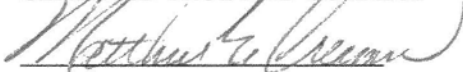
EFFECTIVE DATE:

This Bill having been approved by the County Executive and returned to the Council, becomes law on May 21 and effective on: July 20. (60 days §311)

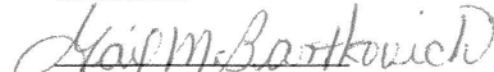
ENROLLMENT:

Legislative Bill No. 2010-03 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT


Council Administrator
Date: May 24, 2010

ENROLLED


Council President
Date: May 24, 2010