

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2009 Legislative Session, Legislative Day No.: June 9, 2009

Bill No.: 1165, *AS AMENDED

Expiration Date: August 13, 2009

Introduced by: Mr. Bartlett, Mr. Foster, Mr. Harrison, Mr. Pack

A BILL TO AMEND THE TALBOT COUNTY CODE, CHAPTER 190, ZONING, SUBDIVISION AND LAND DEVELOPMENT TO PERMIT SMALL WIND TURBINE SYSTEMS AND SMALL WIND TURBINE PRODUCTION FACILITIES WITH WIND TURBINE TOWERS NOT TO EXCEED 150 FEET IN TOTAL HEIGHT

By the Council: June 9, 2009

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, July 14, 2009 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington St., Easton, Maryland 21601.

By Order _____
Secretary

A BILL TO AMEND THE TALBOT COUNTY CODE, CHAPTER 190, ZONING, SUBDIVISION AND LAND DEVELOPMENT TO PERMIT SMALL WIND TURBINE SYSTEMS AND SMALL WIND TURBINE PRODUCTION FACILITIES WITH WIND TURBINE TOWERS NOT TO EXCEED 150 FEET IN HEIGHT

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that § 190 of the Talbot County Code entitled “Zoning, Subdivision and Land Development” is amended as set forth herein.

KEY	
<u>Underlining</u>	Added to existing law by Bill.
Strikethrough	Deleted from existing law by amendment.
* * *	Existing law unaffected.

1 **Table of Contents**
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4 § 190-104.1 Wind Turbine Towers, Small
5 § 190-105. Wireless Communication Towers.....85
6 * * *
7
8 **Article I General Provisions**
9 190-12
10 * * *
11 D. Historic Preservation Commission
12 The Historic Preservation Commission shall have the following powers and duties:
13 (1) Decide applications for the construction, alteration, reconstruction, moving or
14 demolition of any structure within a designated historic district. (See Article IV.)
15 (2) Make recommendations to the County Council on the establishment of Historic
16 District Overlay Districts and Historic Rehabilitation Overlay Districts. (See
17 Article IV.)

- 18 (3) Provide comments to the Planning Director on site plans and subdivision plans
 19 affecting a historic resource identified in the Comprehensive Plan. (See Articles
 20 IV, IX, and X.)
- 21 (4) Provide comments to the Planning Director on certain applications for wireless
 22 communication towers and small wind turbine production facilities. (See Article
 23 III.)

Article III Land Uses

Table III-1. General Table of Land Uses

* * *

	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
<u>Wind Turbine Production Facility, Small</u> <u>See regulations for specific land uses in this Article</u>	S										

* * *

24 **§ 190.104.1. Wind Turbine Tower**

25
 26 In the AC zoning district only Talbot County, Maryland, shall be and is hereby authorized to
 27 construct and operate an experimental wind turbine production facility on property owned by
 28 Talbot County, Maryland located adjacent to an existing septage receiving and treatment facility,
 29 subject to the following conditions and requirements.

30
 31 A. Small Wind Turbine Production Facilities

32
 33 The following are specific requirements for Small Wind Turbine Production Facilities.

34
 35 (1) Small Wind Turbine Production Facilities:

36
 37 (a) Must comply with all general requirements listed in B below.

38
 39 (b) Shall provide an engineering report stating the proposed small wind
 40 turbine tower does not exceed the minimum height necessary to
 41 accomplish the purpose for which it is constructed.

42
 43 (c) Shall be limited to off-site or a combination of both off-site and single-site
 44 consumption.

45
 46 (d) May result in metering rates with a cumulative total greater than 100
 47 kilowatt hours.

48

49 B. General requirements

50
51 All Small Wind Turbine Production Facilities shall be subject to the following general
52 requirements:

- 53
- 54 (1) All small wind turbine production facilities shall be subject to a Major Site Plan
55 review.
- 56
- 57 (2) Prior to the Planning Commission meeting for a small wind turbine production
58 facility, the applicant shall perform a highly visible balloon test lasting a
59 minimum of 30 minutes. The date, location, and beginning and ending time of
60 the test shall be published in a local newspaper at least one week prior to the test.
61 The Planning Director shall approve the newspaper notice. The results of the
62 balloon test shall be incorporated into a computerized simulation submitted to the
63 Planning Office 10 days prior to the Planning Commission meeting. The
64 computerized simulation shall illustrate the small wind turbine tower at the
65 proposed height and color scheme.
- 66
- 67 (3) All small wind turbine towers shall comply with all guidelines and procedures
68 provided by the Talbot County Department of Permits and Inspections.
- 69
- 70 (4) The ground base of any small wind turbine tower shall be setback from any
71 property lines, road rights-of-way and overhead utility lines, a distance that is the
72 total height of the small wind turbine tower plus 10 feet.
- 73
- 74 (5) Small wind turbine towers shall be located a minimum distance of 30 feet from
75 any other structure on the same lot or parcel.
- 76
- 77 (6) The distance between small wind turbine towers shall be a minimum of 10 times
78 the length of blade.
- 79
- 80 (7) The total height of a small wind turbine tower shall be no higher than necessary to
81 access adequate winds, but in no case shall exceed 150 feet at tip of blade from
82 natural grade.
- 83
- 84 (8) The blade tip of any small wind turbine tower shall, at its lowest point, have
85 ground clearance of no less than 25 feet, as measured at the lowest point of the arc
86 of the blades from natural grade.
- 87
- 88 (9) The Building Permit or Major Site Plan application shall be accompanied by a
89 letter from local utility company acknowledging the applicants intent to install a
90 small wind turbine tower.
- 91
- 92 (10) All Electrical wires associated with a small wind turbine tower, other than wires
93 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.

(11) The small wind turbine tower shall be designed to minimize adverse visual and environmental impact.

(12) The small wind turbine tower shall not be used for the displaying of any advertisements or unauthorized signage.

(13) Appropriate warning signs and signs identifying the manufacturer, installer, or owner of the small wind turbine tower may be attached.

(14) The small wind turbine tower shall be a self-supporting monopole or lattice structure.

(15) The small wind turbine tower shall not be lit unless required by federal or state regulations. If lighting is required, the least intensive lighting shall be used.

(16) The small wind turbine tower shall be designed so as to prohibit step bolts or a ladder readily accessible to the public for a minimum height of 12 feet above natural grade.

(17) The applicant must include a copy of the maintenance contract with the Major Site Plan application for small wind turbine towers 75 feet or higher.

(18) Any small wind turbine tower found to be abandoned or unsafe by the County Engineer shall be repaired or removed by the landowner. A small wind turbine tower that fails to operate or is out of service for a continuous 12-month period shall be deemed to be abandoned.

(19) The small wind turbine tower must comply with all regulations of the Federal Aviation Administration (FAA), if applicable, including any necessary approvals for installations within the airport overlay zone.

* * *

Article V Development Standards

190-113. Structure height

Structures shall comply with the following height limits.

Table V-1. Structure height

* * *

Type of structure	Maximum height	Additional requirements
I. <u>Wind Turbine Towers (see Article III).</u>	<u>150 feet</u>	<u>Minimum required setback shall be 10 feet greater than the total height of the tower.</u>

138 **Article XI Definitions**

139 §190-208. Definitions

* * *

140 TOTAL HEIGHT – The distance of a wind turbine tower measured from ground level (natural
 141 grade) to the tip of blade extended at its highest point.

142

143 * * *

144

145 WIND TURBINE PRODUCTION FACILITY, SMALL – A facility producing primarily off-site
 146 electricity or a total rated capacity greater than 100 kilowatts.

147

148 WIND TURBINE TOWER, SMALL - Consists of a monopole or lattice that supports the turbine
 149 for a small wind turbine production facility. The turbine includes the blades, generator, and tail.

* * *

SECTION TWO: BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
 TALBOT COUNTY, MARYLAND, that this amendment shall take effect sixty (60) days from
 the date of its passage.

150

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill No. 1165 having been published, a public hearing was held on Tuesday, July 14, 2009 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: **July 28, 2009**

*AS AMENDED

By Order _____
Secretary

Foster - Aye
Pack - Aye
Duncan - Aye
Bartlett - Aye
Harrison - Aye (via absentee ballot)