

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

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

Bill No.: 1165

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
TURBINES 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 TURBINES 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

UnderliningAdded to existing law by amendment.

~~Strikethrough~~.....Deleted from existing law by amendment.

* * *Existing law or bill unaffected.

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Article I General Provisions

190-12

* * *

D. Historic Preservation Commission

The Historic Preservation Commission shall have the following powers and duties:

- (1) Decide applications for the construction, alteration, reconstruction, moving or demolition of any structure within a designated historic district. (See Article IV.)

- (2) Make recommendations to the County Council on the establishment of Historic District Overlay Districts and Historic Rehabilitation Overlay Districts. (See Article IV.)
- (3) Provide comments to the Planning Director on site plans and subdivision plans affecting a historic resource identified in the Comprehensive Plan. (See Articles IV, IX, and X.)
- (4) Provide comments to the Planning Director on certain applications for wireless communication towers and small wind turbine production facilities. (See Article 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 System, Small</u> <u>See regulations for specific land uses in this Article</u>	<u>A</u>										
<u>Wind Turbine Production Facility, Small</u> <u>See regulations for specific land uses in this Article</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>							

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§ 190.104.1. Wind Turbine Tower

A. Small Wind Turbine Uses

The following are specific requirements for Small Wind Turbine Systems and Small Wind Turbine Production Facilities.

- (1) Small Wind Turbine Systems:
 - (a) Must comply with all general requirements listed in B below.
 - (b) Are limited to a maximum of two small wind turbine towers on parcels 20 acres or less.
 - (c) Shall be limited to single-site consumption.
 - (d) Shall not exceed metering rates with a cumulative total of 100 kilowatt hours.

- 1
2
3 (2) Small Wind Turbine Production Facilities:
4 (a) Must comply with all general requirements listed in B below.
5 (b) Shall provide an engineering report stating the proposed small wind
6 turbine tower does not exceed the minimum height necessary to
7 accomplish the purpose for which it is constructed.
8 (c) Shall be limited to off-site or a combination of both off-site and single-site
9 consumption.
10 (d) May result in metering rates with a cumulative total greater than 100
11 kilowatt hours.
12

13 B. General requirements
14

15 All Small Wind Turbine Systems and Small Wind Turbine Production Facilities shall be
16 subject to the following general requirements:
17

- 18 (1) All small wind turbine systems with a total height of 75 feet or higher shall be
19 subject to a Major Site Plan review.
20
21 (2) All small wind turbine production facilities shall be subject to a Major Site Plan
22 review.
23
24 (3) Prior to the Planning Commission meeting for a small wind turbine production
25 facility, the applicant shall perform a highly visible balloon test lasting a
26 minimum of 30 minutes. The date, location, and beginning and ending time of
27 the test shall be published in a local newspaper at least one week prior to the test.
28 The Planning Director shall approve the newspaper notice. The results of the
29 balloon test shall be incorporated into a computerized simulation submitted to the
30 Planning Office 10 days prior to the Planning Commission meeting. The
31 computerized simulation shall illustrate the small wind turbine tower at the
32 proposed height and color scheme.
33
34 (4) All small wind turbine towers shall comply with all guidelines and procedures
35 provided by the Talbot County Department of Permits and Inspections.
36
37 (5) The ground base of any small wind turbine tower shall be setback from any
38 property lines, road rights-of-way and overhead utility lines, a distance that is the
39 total height of the small wind turbine tower plus 10 feet.
40
41 (6) Small wind turbine towers shall be located a minimum distance of 30 feet from
42 any other structure on the same lot or parcel.
43
44 (7) The distance between small wind turbine towers shall be a minimum of 10 times
45 the length of blade.
46

- 1 (8) The total height of a small wind turbine tower shall be no higher than necessary to
2 access adequate winds, but in no case shall exceed 150 feet at tip of blade from
3 natural grade.
- 4
- 5 (9) The blade tip of any small wind turbine tower shall, at its lowest point, have
6 ground clearance of no less than 25 feet, as measured at the lowest point of the arc
7 of the blades from natural grade.
- 8
- 9 (10) The Building Permit or Major Site Plan application shall be accompanied by a
10 letter from local utility company acknowledging the applicants intent to install a
11 small wind turbine tower.
- 12
- 13 (11) All Electrical wires associated with a small wind turbine tower, other than wires
14 necessary to connect the wind generator to the wind tower wiring, the wind tower
15 wiring to the disconnect junction box, and the grounding wires shall be located
16 underground.
- 17
- 18 (12) The small wind turbine tower shall be designed to minimize adverse visual and
19 environmental impact.
- 20
- 21 (13) The small wind turbine tower shall not be used for the displaying of any
22 advertisements or unauthorized signage.
- 23
- 24 (14) Appropriate warning signs and signs identifying the manufacturer, installer, or
25 owner of the small wind turbine tower may be attached.
- 26
- 27 (15) The small wind turbine tower shall be a self-supporting monopole or lattice
28 structure.
- 29
- 30 (16) The small wind turbine tower shall not be lit unless required by federal or state
31 regulations. If lighting is required, the least intensive lighting shall be used.
- 32
- 33 (17) The small wind turbine tower shall be designed so as to prohibit step bolts or a
34 ladder readily accessible to the public for a minimum height of 12 feet above
35 natural grade.
- 36
- 37 (18) The applicant must include a copy of the maintenance contract with the Major
38 Site Plan application for small wind turbine towers 75 feet or higher.
- 39
- 40 (19) Any small wind turbine tower found to be abandoned or unsafe by the County
41 Engineer shall be repaired or removed by the landowner. A small wind turbine
42 tower that fails to operate or is out of service for a continuous 12-month period
43 shall be deemed to be abandoned.
- 44

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

4
5 * * *

6 **Article V Development Standards**

7 190-113. Structure height

8 Structures shall comply with the following height limits.

9 **Table V-1. Structure height**

10 * * *

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>

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12
13
14 **Article XI Definitions**

15 §190-208. Definitions

16 * * *

17
18 TOTAL HEIGHT – The distance of a wind turbine tower measured from ground level (natural
19 grade) to the tip of blade extended at its highest point.

20
21 * * *

22 WIND TURBINE PRODUCTION FACILITY, SMALL – A facility producing primarily off-site
23 electricity or a total rated capacity greater than 100 kilowatt hours.

24
25 WIND TURBINE SYSTEM, SMALL - A wind energy conversion system that is used to
26 generate electricity; has a total rated capacity of 100 kilowatt (kW) hours or less; consisting of a
27 wind turbine, a single-tower, base and associated control or conversion electronics.

28
29 WIND TURBINE TOWER, SMALL - Consists of a monopole or lattice that supports the turbine
30 for a small wind turbine system and small wind turbine production facility. The turbine includes
31 the blades, generator, and tail.

32
33 * * *

34
SECTION TWO: BE IT FURTHER ENACTED, that this amendment shall take effect sixty
(60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill No. _____ having been published, a public hearing was held on Tuesday, _____ at _____ 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: _____

By Order _____
Secretary

Foster - _____
Duncan - _____
Bartlett - _____
Harrison - _____
Pack - _____