

Washington County Solar and Wind Zoning

This document provides a compilation of excerpts from the Washington County Zoning Ordinance 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 Washington County Zoning Ordinance uses the term "Solar Energy Generating System" to refer to large-scale solar energy projects.
 - Permitted use, by special exception, in the following zoning districts: Agricultural Rural (A(R)), Environmental Conservation (EC), Preservation (P), Industrial Mineral (IM), Planned Industrial (PI), Airport District (AP), Industrial Restricted (IR), and Industrial General (IG).
 - Solar Energy Generating Systems are prohibited to be used in defined Priority Preservation Areas, Rural Legacy Areas, and Antietam Overlay zones.

Relevant Sections of the Washington County Code

- **Zoning Ordinance:**
 - Article 28A - Definitions: Definition of "Solar Energy Generating Systems," "Solar Array" (Section 28A.0, p. 355).
 - Article 4 - General Provisions: Regulations for a solar energy generating systems (Section 4.26, pp. 37-39).
 - Article 3 - Districts Established; Zoning maps, District Boundaries; Land Use Regulations (Rural Area Uses): Table of land use regulations for rural areas (Section 3.3, Table No. 3.3(1), K., p. 9).
 - Article 13 - "IR" Industrial, Restricted District: Special exception uses (Section 13.2 (a), p. 120).
 - Article 14 - "IG" Industrial, General District: Special exception uses (Section 14.2 (a), p. 127).
 - Article 18 "PI" Planned Industrial District (Industrial Park): Special exception uses (Section 18.102 (a), p. 167).
 - Article 21 - "AP" Airport District: Special exception uses (Section 21.42 (e), p. 213).

SMALL SOLAR

Summary

- The Washington County Zoning Ordinance uses the term "Solar Collection Systems" to refer to small-scale solar projects.
 - Permitted as accessory use in all zoning districts.

Relevant Sections of the Washington County Code

- **Zoning Ordinance:**
 - Article 28A - Definitions: Definition of "Solar Collection System," "Solar Array" (Section 28A.0, Pg. 355).
 - Article 4 - General Provisions: Regulations for a solar collection system (Section 4.25, pp. 35-37).

WIND

Summary

- The Washington County Zoning Ordinance uses the term "Wind Mill Farm" to indicate a large-scale wind energy project.
 - Permitted, by special exception, in the Rural Village (RV), A(R), EC, and P zoning districts.

Relevant Sections of the Washington County Code

- **Zoning Ordinance:**
 - Article 28A - Definitions: Definition of "Wind Energy System," "Wind Energy System Rotor Diameter," "Wind Energy System Total Height," "Wind Generator," "Wind Tower" (Section 28A.0, p. 362).
 - Article 23 - Exceptions and Limitations: Height Limitations (Section 23.4 (a), p. 307).
 - Article 3 - Districts Established; Zoning maps, District Boundaries; Land Use Regulations (Rural Area Uses): Table of land use regulations for rural areas (Section 3.3, Table No. 3.3(1), K., p. 9).

SMALL WIND

Summary

Last Updated: March 2022

- The Washington County Zoning Ordinance defines a "Small Wind Energy System" as a single-towered wind energy system that does not exceed 150 ft. in total height or 50 kW in generating capacity.
 - Permitted as accessory use in all zoning districts.

Relevant Sections of the Washington County Code

- **Zoning Ordinance:**
 - Article 28A - Definitions: Definition of "Wind Energy System," "Wind Energy System Rotor Diameter," "Wind Energy System Total Height," "Wind Generator," "Wind Tower," and "Small Wind Energy System" (Section 28A.0, pp. 356, 362).
 - Article 4 - General Provisions: Regulations for a small wind energy system (Section 4.24, pp. 32-35).

A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village
 RB-Rural Business
 IM-Industrial Mineral

Table No. 3.3(1)^{5 6}
TABLE OF LAND USE REGULATIONS
(RURAL AREA USES)

| LAND USES | A(R) | EC | P | RV | RB | IM | Intensity of Use |
|---|------|----|----|----|----|----|------------------|
| A. Accessory | | | | | | | |
| Guest house in an accessory building | SE | SE | SE | SE | N | N | N/A |
| Private stables as defined in Article 28A shall be subject to the requirements set forth in Article 4 Section 4.13 | A | A | A | A | A | N | N/A |
| Swimming pools, tennis and other similar courts and other recreational facilities, when accessory to a residence | A | A | A | A | A | N | N/A |
| Uses and structures customarily accessory and incidental to any principal permitted use or special exception, including business signs pertaining to "use on the premises" (provided, that such signs are located as regulated in Section 22.2.), and a single-family dwelling unit in the same building with a principal use | A | A | A | A | A | A | N/A |
| B. Accommodation and Food Services⁷ | | | | | | | |
| Banquet/Reception Facilities | SE | SE | SE | SE | P | N | HIGH |
| Boarding or rooming houses | N | N | N | P | P | N | MODERATE |
| Bed and Breakfast | SE | SE | SE | P | P | N | MODERATE |
| Conference Centers | SE | SE | SE | SE | P | N | HIGH |
| Hotels and apartment hotels, including motels | N | N | N | N | P | N | MODERATE |
| Restaurants with drive-in, drive thru service | N | N | N | N | P | N | MODERATE |
| Restaurants without drive-in, drive-thru service | N | N | N | N | P | N | MODERATE |
| Resorts | N | N | N | N | P | N | HIGH |
| Taverns | N | N | N | N | P | N | HIGH |
| C. Administrative and Support and Waste Management and Remediation Services | | | | | | | |
| Building and dwelling services as defined in Article 28A | N | N | N | N | P | N | MODERATE |
| Landscaping Contractor | P | P | P | P | P | N | MODERATE |

⁵ Table No. 3.3(1) amended 9/19/06 (RZ-06-007/ORD-06-09)

⁶ Table No. 3.3(1) amended 8/4/09 (RZ-09-001/ORD-09-08)

⁷ Revision 17, Table No. 3.3(1)B. amended 4/23/13 (RZ-12-002/ORD-2013-13)

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village
 RB-Rural Business
 IM-Industrial Mineral

| LAND USES | A(R) | EC | P | RV | RB | IM | Intensity of Use |
|---|------|----|----|----|----|----|------------------|
| Sanitary landfills, provided such use shall be two (2) times the distance specified in Section 4.9. | N | N | N | N | P | N | N/A |
| D. Agriculture, Forestry, Fishing and Hunting | | | | | | | |
| Forests and Wildlife preserves, fish hatcheries and similar conservation areas | P | P | P | P | P | P | LOW |
| Forestation | P | P | P | P | P | P | LOW |
| Produce stands/Farmers Market | SE | SE | SE | SE | P | N | MODERATE |
| Roadside stands | A | A | A | A | A | N | MODERATE |
| Agricultural uses, as defined in Article 28A, including animal husbandry facilities as defined in Article 28A which shall be subject to the requirements set forth in Article 22 Division IX | P | P | P | P | P | P | LOW |
| E. Arts, Entertainment, and Recreation | | | | | | | |
| Amusement parks | N | N | N | N | P | N | HIGH |
| Bowling alleys | N | N | N | N | P | N | HIGH |
| Circus, carnival, dog and horse shows or similar transient enterprise; provided, that such use shall not exceed ten (10) days at any one time, and which does not include any permanent structure | P | P | P | P | A | N | MODERATE |
| Clubs, Country | SE | SE | SE | N | P | N | MODERATE |
| Clubs, fraternities, lodges, or similar organizations, not conducted as a gainful business, provided any buildings or structures are located subject to the distance requirements specified in Section 4.9 | SE | SE | SE | SE | P | N | MODERATE |
| Recreation Centers | SE | SE | SE | SE | P | N | MODERATE |
| Commercial swimming pools | N | N | N | N | P | N | HIGH |
| Fairgrounds and race tracks or courses for the conduct of seasonal or periodic meets of horses, dogs, aircraft, automobiles, motorcycles and the like; provided such use shall be subject to three (3) times the distance requirements specified in Section 4.9 | N | N | N | N | P | N | HIGH |
| Golf courses | N | N | N | N | P | N | MODERATE |
| Golf driving ranges | N | N | N | N | P | N | MODERATE |
| Indoor firing range | SE | SE | SE | SE | P | N | MODERATE |
| Marinas, boat rentals, docks, piers and wharves | SE | SE | SE | SE | P | N | MODERATE |
| Museum, arts center or tourism entertainment facility | N | N | N | N | P | N | MODERATE |

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village
 RB-Rural Business
 IM-Industrial Mineral

| LAND USES | A(R) | EC | P | RV | RB | IM | Intensity of Use |
|---|------|----|----|----|----|----|------------------|
| Riding academies, livery stables, subject to the distance requirements specified in Section 4.9 | P | P | P | P | P | N | MODERATE |
| Taxidermy Service | P | P | P | P | P | N | LOW |
| Theaters | N | N | N | N | P | N | HIGH |
| Theaters, Outdoor; provided a minimum of five (5) acres is maintained; and provided such use shall be subject to three (3) times the distance requirements of Section 4.9 | N | N | N | N | P | N | HIGH |
| Trap, skeet, rifle, or archery ranges, including gun clubs; provided such use shall be five (5) times the distance requirements specified in Section 4.9 and all safety standards of county, state and federal agencies are observed | SE | SE | SE | N | P | N | HIGH |
| Travel trailer parks/Camp grounds, subject to the provisions of Section 22.5 and provided such use shall be three (3) times the distance requirements specified in Section 4.9 | SE | N | N | SE | P | N | HIGH |
| F. Construction | | | | | | | |
| Surface grading, removal of top soil, shale or similar material in preparing the property for development; but not including open pit quarrying or mineral processing on site; subject to the performance standards in Section 4.12. A grading plan containing the information required in Section 15.3 showing the existing and proposed surface contours and providing for the re-vegetation of the property shall be submitted to the Planning Commission for approval | P | P | P | P | N | N | N/A |
| G. Educational Services | | | | | | | |
| Public or private college, trade and technical institutions | SE | N | N | N | P | N | HIGH |
| Schools – public or private – elementary through high | P | P | P | P | N | N | HIGH |
| H. Finance and Insurance | | | | | | | |
| Banks and financial institutions | N | N | N | N | P | N | MODERATE |
| I. Health Care and Social Assistance | | | | | | | |
| Assisted Living Facilities | N | N | N | N | P | N | MODERATE |
| Clinics with or without a pharmacy | N | N | N | N | P | N | MODERATE |
| Comprehensive Care Facilities | N | N | N | N | P | N | HIGH |
| Day-Care, Adult & Child centers, including Nursery Schools. | N | N | N | N | P | N | MODERATE |
| Day-care, In home Family/Child Care Facilities | P | P | P | P | N | N | N/A |

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village
 RB-Rural Business
 IM-Industrial Mineral

| LAND USES | A(R) | EC | P | RV | RB | IM | Intensity of Use |
|---|------|----|----|----|----|----|------------------|
| Nursing/Convalescent Homes. | N | N | N | N | P | N | MODERATE |
| Transitional or Sheltered Care Facility, not to include Assisted Living Facilities. | N | N | N | N | P | N | MODERATE |
| J. Housing | | | | | | | |
| Dwelling unit in conjunction with a principal non-residential use | SE | SE | SE | SE | P | N | LOW |
| Dwellings, semi-detached | SE | SE | SE | P | N | N | N/A |
| Dwellings, single family | P | P | P | P | N | N | N/A |
| Dwellings, two-family | P | P | P | P | N | N | N/A |
| Home, occupation | A | A | A | A | N | N | N/A |
| Home, resident business | SE | SE | SE | SE | N | N | N/A |
| Mobile Homes | P | P | P | N | N | N | N/A |
| Model Homes | P | P | P | P | N | N | N/A |
| Temporary residential sales office | P | P | P | P | N | N | N/A |
| K. Manufacturing⁸ | | | | | | | |
| Abattoirs, slaughterhouses, stockyards | N | N | N | N | P | N | HIGH |
| Brewery, Farm with a valid Class 8 manufacturing license | P | P | P | P | P | N | MODERATE |
| Brewery, Commercial with a valid Class 5 manufacturing license | SE | SE | SE | SE | P | N | MODERATE |
| Carpentry or woodworking shops | SE | SE | SE | SE | P | N | HIGH |
| Concrete and ceramic products manufacture, including ready-mixed concrete plants | N | N | N | N | P | P | HIGH |
| Flour mill, grain milling or drying | N | N | N | N | P | N | HIGH |
| Food processing and packing plants; provided such use shall be located two (2) times the distance requirements specified in Section 4.9 | SE | SE | SE | N | P | N | HIGH |
| Grain elevators, grain bins, and feed mills, primarily for wholesale use. | P | SE | SE | N | P | N | MODERATE |
| Machine Shops | SE | SE | SE | SE | P | N | MODERATE |
| Recycling facilities | N | N | N | N | P | N | HIGH |
| Sawmills & Lumber Drying | SE | SE | SE | N | P | N | MODERATE |
| Sawmills, Temporary | P | P | P | N | N | P | HIGH |
| Wind mill farms | SE | SE | SE | SE | N | N | N/A |
| Wineries, Farm with a valid Class 4 manufacturing license | P | P | P | P | P | N | MODERATE |
| Wineries, Commercial with a valid Class 3 manufacturing license | SE | SE | SE | SE | P | N | MODERATE |

⁸ Rev. 17 Table 3.3(1)K. amended 4/23/13 (RZ-12-002/ORD-2013-13)

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village
 RB-Rural Business
 IM-Industrial Mineral

| LAND USES | A(R) | EC | P | RV | RB | IM | Intensity of Use |
|---|------|----|----|----|----|----|------------------|
| L. Mining | | | | | | | |
| Mineral extraction, mineral processing, mineral-related uses, and mineral-based manufacturing. | N | N | N | N | N | P | N/A |
| M. Other Services⁹ | | | | | | | |
| Blacksmith and/or farrier service | A | A | A | N | P | N | LOW |
| Beauty and barber shops; Beauty Parlors and Barber Shops in residence shall not require a site plan or any additional lot area, lot width, or setbacks over that which is required for the subject dwelling as specified in the district the residence is located or as modified in Article 23. | P | P | P | P | P | N | LOW |
| Car washes | N | N | N | N | P | N | MODERATE |
| Cemeteries, mausoleums and memorial gardens | SE | SE | SE | SE | N | N | N/A |
| Churches, parish houses and other places of worship | P | P | P | P | N | N | N/A |
| Crematories | SE | SE | SE | SE | P | N | LOW |
| Farms for the principal use of raising animals for experimental or other purposes, such as rats, rabbits, mice, monkeys and the like, and fur farms, provided such use shall be subject to three (3) times the distance requirements specified in Section 4.9 | SE | SE | SE | N | P | N | LOW |
| Kennels with or without runways and/or exercise areas, provided such use shall be subject to two (2) times the distance requirements specified in Section 4.9 | SE | SE | SE | N | N | N | N/A |
| Offices, business and professional | N | N | N | N | P | N | LOW |
| Facilities dealing with the field of agriculture products. | P | P | P | P | N | N | N/A |
| N. Professional and Scientific and Technical Services | | | | | | | |
| Penal and correctional institutions including jails | N | N | N | N | P | N | MODERATE |
| Photography studios | N | N | N | N | P | N | LOW |
| Shoe repair shops/Tailor Shops | N | N | N | N | P | N | LOW |
| Small engine related equipment repair and maintenance to include lawn mowers. | N | N | N | N | P | N | LOW |
| Veterinary clinics with or without runways; provided such use be subject to two (2) times the distance requirements in Section 4.9. | N | N | N | N | P | N | MODERATE |

⁹ Revision 17, Table 3.3(1)M. amended (RZ-12-004/ORD-2013-03)

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village
 RB-Rural Business
 IM-Industrial Mineral

| LAND USES | A(R) | EC | P | RV | RB | IM | Intensity of Use |
|---|------|----|----|----|----|----|------------------|
| O. Public Administration | | | | | | | |
| Public buildings, structures, and properties of public service-type, including fire, ambulance or rescue services | P | P | P | P | P | N | N/A |
| P. Retail and Wholesale Trade | | | | | | | |
| Alcoholic beverage package stores | N | N | N | N | P | N | HIGH |
| Appliance stores | N | N | N | N | P | N | LOW |
| Auction House/Flea Market | SE | SE | SE | SE | P | N | LOW |
| Auto Sales and services | N | N | N | N | P | N | HIGH |
| Automobile parts and accessories | N | N | N | N | P | N | LOW |
| Bakery shops | P | P | P | P | P | N | LOW |
| Candy stores | P | P | P | P | P | N | LOW |
| Clothing stores | N | N | N | SE | P | N | LOW |
| Convenience stores | N | N | N | N | P | N | MODERATE |
| Dairy product stores | P | P | P | SE | A | N | N/A |
| Florist shops | P | P | P | P | P | N | LOW |
| Furniture and upholstering stores | SE | SE | SE | SE | P | N | LOW |
| Garden shops, nurseries, and greenhouses | P | P | P | P | P | N | LOW |
| Gift or jewelry shops | N | N | N | SE | P | N | MODERATE |
| Grocery stores | N | N | N | SE | P | N | MODERATE |
| Hardware stores | N | N | N | SE | P | N | LOW |
| Home Centers | N | N | N | N | P | N | MODERATE |
| Laundry or dry cleaning | N | N | N | P | P | N | LOW |
| Livestock sales, yards, and buildings subject to a minimum of ten (10) acres being provided; and provided such building or use shall be subject to four (4) times the distance requirements specified in Section 4.9 and a front yard of four hundred (400) feet is provided for any use pertaining thereto | N | N | N | N | P | N | LOW |
| Machinery dealerships and other businesses providing support for agricultural work | SE | SE | N | SE | P | N | LOW |
| Meat markets | A | A | A | N | P | N | LOW |
| Outdoor/Recreational outfitters | SE | SE | SE | SE | P | N | MODERATE |
| Pet shops | N | N | N | SE | P | N | LOW |
| Pharmacies | N | N | N | SE | P | N | LOW |
| Printing, blue printing, photocopying, and similar reproduction services | N | N | N | SE | P | N | LOW |

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village
 RB-Rural Business
 IM-Industrial Mineral

| LAND USES | A(R) | EC | P | RV | RB | IM | Intensity of Use |
|---|------|----|----|----|----|----|------------------|
| Temporary or Seasonal Retail - provided that the area devoted to the use be limited to less than 2,500 sq. ft. and that the use on the premises occurs for at least 30 days and does not exceed 6 months within a calendar year ¹⁰ | SE | SE | SE | SE | P | N | LOW |
| Q. Transportation and Warehousing | | | | | | | |
| Airports, private or landing fields, and heliports, subject to the Provisions of Article 21. | SE | SE | SE | N | N | N | N/A |
| Commercial parking lot or garage | N | N | N | N | P | N | LOW |
| Contractor's equipment and Storage yards | SE | SE | SE | SE | P | N | MODERATE |
| Explosives Storage | SE | SE | SE | N | N | N | N/A |
| Mini-warehouses excluding outside storage or outside uses | N | N | N | N | P | N | LOW |
| Mixed use buildings including, warehouses, wholesale and retail sale | N | N | N | N | P | N | MODERATE |
| Warehouses | N | N | N | N | P | N | MODERATE |
| R. Utilities¹¹ | | | | | | | |
| Commercial Communications Towers, subject to the requirements of Section 4.22 | SE | SE | SE | N | N | N | N/A |
| Public utility buildings, structures, or uses including radio, television, and other communication facilities not considered Essential Utility Equipment, as defined in Article 28A | SE | SE | SE | SE | P | N | LOW |
| Solar Energy Generating Systems, in accordance with Section 4.26 | SE | SE | SE | N | N | SE | LOW |

¹⁰ Revision 17, Table No. 3.3(1)P. amended and eff. 2/26/13 (RZ-12-004/ORD-2012-03)

¹¹ Revision 17, Table No. 3.3(1)R. amended 10/4/11 (RZ-11-003/ORD-2011-21)

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

1. Provides a supportive housing arrangement, help in reaching community resources, and protective oversight to a resident;
2. Provides room and board to at least four (4) but not more than eight (8) adults; and³⁷
3. Accepts as compensation for its services a rate or amount set by the Washington County Department of Social Services.

(b) A C.A.R.E. Home does not provide:

1. Nursing care;
2. Psychiatric treatment; or
3. Specialized professional intervention.

Section 4.24 Small Wind Energy Systems³⁸

A Small Wind Energy System, as defined in Article 28A, shall be considered an accessory use in all zoning districts. The purpose of this section is to establish regulations to facilitate the installation and construction of Small Wind Energy Systems in Washington County for private landowners, subject to reasonable restrictions which will preserve the public health and safety.

(a) The following standards shall apply to the development of Small Wind Energy Systems:

1. Setbacks. A wind tower for a Small Wind Energy System shall be set back a distance equal to its total height plus an additional 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 line;
 - d. any property line;
 - e. any existing guy wire, anchor or other Small Wind Energy tower on the property; and
2. Access.
 - a. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

³⁷ Revision 17, Section 4.23(a)(2. amended and eff. 2/26/13 (RZ-12-004/ORD-2013-03)

³⁸ **Revision 16, Section 4.24 added 6/16/09 (RZ-09-004/ORD-09-04)**

- b. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of fifteen (15) 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.
4. **Clearance.** The blade tip or vane of any Small Wind Energy System shall have a minimum ground clearance of fifteen (15) feet as measured at the lowest point of the arc of the blades.
5. **Lighting.** A wind tower and 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 Systems, such as appurtenant structures, shall be limited to that required for safety purposes, and shall be reasonably shielded from abutting properties.
6. **Appearance, Color and Finish.** The wind generator and wind tower shall remain painted or finished the color of finish that was originally applied by the manufacturer.
7. **Signs.** All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, wind tower, building, or other structure associated with a Small Wind Energy System visible from any public road shall be prohibited.
8. **Code Compliance.** A Small Wind Energy System and all of its components shall comply with all applicable construction and electrical codes.
9. **Utility notification and interconnection.** Small Wind Energy Systems that connect to the electric utility shall comply with applicable Public Service Commission regulations.
10. **Small Wind Energy Systems attached to any building shall not exceed the permitted height for principal structures within the zoning district plus twelve feet.**
11. **Meteorological towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a Small Wind Energy System.**
12. **Each property is eligible for two Small Wind Energy Systems only. In the A(R), EC and P Zoning Districts, additional Small Wind**

Energy Systems shall be permitted. The total number shall not exceed what is necessary to generate two times the amount of electricity for the established uses on the property in a calendar year.

(b) 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 and provide documentation of such approval to Washington County prior to construction and issuance of a building permit.

(c) Noise

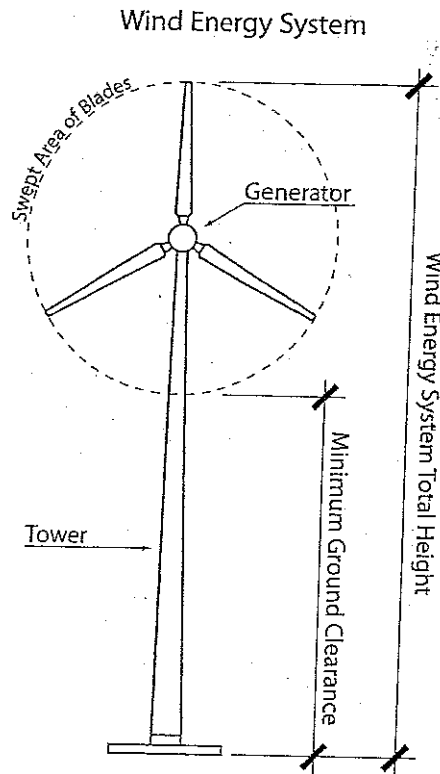
Audible sound due to Small Wind Energy System operations shall not exceed fifty-five (55) dBA for any period of time, when measured from the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate. The level however may be exceeded during short-term events such as utility outages and/or severe windstorms.

(d) Electromagnetic Interference

The system shall be operated so that no disruptive electromagnetic interference is caused to off-site telecommunications, surveillance or other similar systems. If it has been demonstrated that a system is causing such disruptive interference, the system owner shall promptly eliminate the disruptive interference or cease operation of the system.

(e) Violations

It is unlawful for any person to construct, install, or operate a Small Wind Energy System that is not in compliance with this section or with any condition contained in a building permit issued pursuant to this section.



Section 4.25 Solar Collection Systems³⁹

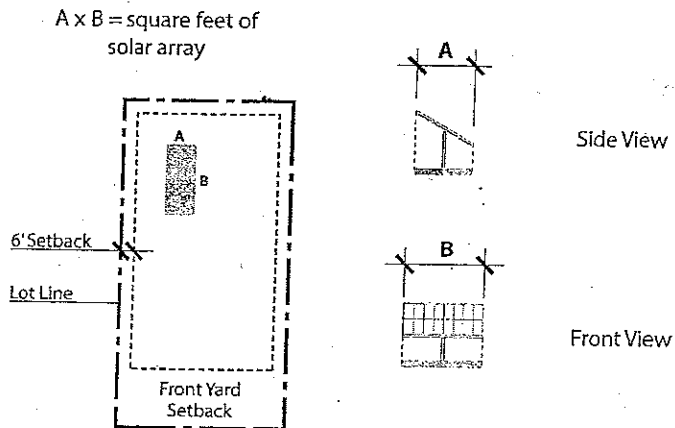
Solar Collection Systems as defined in Section 28A shall be considered an accessory use in all zoning districts. The purpose of this section is to establish regulations to facilitate the installation and construction of Solar Arrays.

The following standards shall apply to the development of Solar Collection Systems:

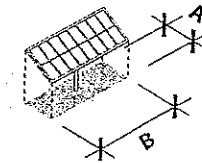
1. Setbacks: Six (6) feet from all property lines and other structures.
2. Height: Freestanding Collection systems shall not exceed twenty (20) feet in height.
3. Size: Freestanding Collection systems on residential properties shall not exceed the greater of one-half (1/2) the footprint of the principal structure or six hundred (600) square feet, whichever is greater, except than in the A(R), EC, and P zoning districts, where they may be equal to the footprint of the structure. The size of arrays for non-residential properties shall not exceed the footprint of the principal structure.

³⁹

SOLAR ARRAY



Area defined by drawing a line around the exterior limit of any individual component of the solar collection system may not exceed one-half of the footprint of the principal structure or 600 square feet, whichever is greater.



4. Solar Collection Systems are permitted to be located on the roof or exterior wall of a structure subject to the following:
 - a) Collection systems shall not extend more than twelve (12) feet above the roof line; and
 - b) Collection systems located on the roof or attached to a structure shall provide, as part of their permit application, a structural certification.
5. Code Compliance: Solar Collection Systems shall comply with all applicable building and electrical codes.
6. Solar collection systems may be located on accessory structures.
7. Collection systems located on an agricultural assessed property shall be permitted to have additional collection systems for each building on the property. The size of the system shall be limited to the need of the building.
8. A property owner who has installed or intends to install a solar collection system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement

and shall record the easement with the Clerk of the Court. A property owner who fails to secure an easement for the receipt of solar energy acts at his own peril and has no recourse against the person allowing or causing the obstruction of the owner's receipt of solar energy. Other property owners in the vicinity may obstruct solar energy unless a valid easement has been secured.

Section 4.26 Solar Energy Generating Systems ⁴⁰

The purpose of this section is to establish regulations to facilitate the installation and construction of Solar Energy Generating Systems as defined in Section 28A (hereinafter "SEGS") for landowners, subject to reasonable restrictions which will preserve the public health and safety.

SEGS shall be permitted as a land use as specified in Sections 3.3 and 21.32 of this ordinance. However, SEGS shall be prohibited as a use in defined Priority Preservation Areas, Rural Legacy Areas, and Antietam Overlay zones.

A. Design Standards

The following standards shall apply to the development of Solar Energy Generating Systems:

1. A property owner who has installed or intends to install a solar energy generation system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement with the Clerk of the Court. A property owner who fails to secure an easement for the receipt of solar energy acts at his own peril and has no recourse against the person allowing or causing the obstruction of the owner's receipt of solar energy. Other property owners in the vicinity may obstruct solar energy collection systems unless a valid easement has been secured.
2. Solar Energy Generating Systems shall adhere to the setback, height, and coverage requirements of the district in which they are located. All above ground facilities associated with such generating system (excluding perimeter security fencing) shall be considered a structure for the purposes of determining required setbacks.
3. Minimum Lot Size. No such generating system shall be erected on any lot less than twenty acres in size.
4. Buffer Yards. The area designated as a buffer yard may include any required side, rear, or front yards. A 25 foot wide buffer yard shall be required where the adjoining lot is either zoned for or contains dwellings, hospitals, nursing homes, schools, or other institutions for human care. The buffer area shall be measured between the lot line and any area of the lot proposed for use or development and shall be screened with vegetative plantings. The plantings shall be spaced so as to create an opaque screen between the adjoining land uses at a height of no less than 10 feet at maturity. The Planning Commission may waive and/or

⁴⁰ Revision 17, Section 4.26 added 10/4/11, eff. 10/15/11 (RZ-11-003/ORD-2011-21)

modify this requirement if the strict application of the provisions of this section reduces the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot.

5. Access. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. A security fence (height and material to be established through the special use permit process) shall be placed around the perimeter of the solar energy generating system and electrical equipment shall be locked. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
6. Electrical Wires. All electrical wires associated with a Solar Energy Generating System, other than wires necessary to connect the solar generator to the off-site distribution system, the wiring to the disconnect junction box, and the grounding wires shall be located underground.
7. Lighting. All structure mounted and parking lot lighting shall be constructed so that light and glare are diffused toward the ground.
8. Appearance, Color and Finish - The solar energy collection structures shall remain painted or finished the color of finish that was originally applied by the manufacturer.
9. Signs. Signage shall comply with Article 22 Division II of this Ordinance. In addition, warning signage shall be placed on electrical equipment and generating system entrances. All sites shall be identified by means of a sign no larger than two (2) square feet in size affixed to the fence identifying the entity using the site and shall provide the telephone number of a contact person in the event of an emergency.
10. Noise. Audible sound due to Solar Energy Generating System operations shall not exceed fifty-five (55) dBA for any period of time, when measured from the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate. The level however may be exceeded during short-term events such as utility outages and/or severe windstorms.
11. Electromagnetic Interference. The system shall be operated so that no disruptive electromagnetic interference is caused to off-site telecommunications, surveillance or other similar systems. If it has been demonstrated that a system is causing such disruptive interference, the system owner shall promptly eliminate the disruptive interference or cease operation of the system.
12. Code Compliance. A Solar Energy Generating System and all of its components shall comply with all applicable construction and electrical codes.
13. Utility notification and interconnection. Solar Energy Generating Systems that connect to the electric utility shall comply with applicable Public Service Commission regulations.
14. Public Service Commission. In accordance with the Maryland Annotated Code, Public Utilities Companies, Section 7-207.1, any property owner seeking to construct a Solar Energy Generating 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 and provide documentation of

such approval to Washington County prior to construction and issuance of a building permit.

15. Violations. It is unlawful for any person to construct, install, or operate a Solar Energy Generating System that is not in compliance with this section or with any condition contained in a building permit issued pursuant to this section.
16. Life of the project and final reclamation. As part of the site plan approval, a description of the decommissioning and final land reclamation plan after anticipated useful life or abandonment or termination of the project shall be required. This will include evidence of an agreement with the property owner that ensures proper final removal of power generating equipment.

B. Design Standards in Airport Zones

For the purpose of this section an Airport Zone shall mean all Euclidean and overlay districts outlined in Article 21 of this Ordinance.

Anyone planning to establish a SEGS within any Airport district should refer to the Federal Aviation Administration (FAA) guidance document FAA-ARP-TR-10-1 – *Technical Guidance for Evaluating Selected Solar Technologies on Airports*. In addition, the following design standards shall apply to installation of SEGS in any Airport Zone:

1. Solar collection devices shall be limited to photovoltaic devices only. Concentrated solar power systems are prohibited due to potential reflectivity, electromagnetic interference, and thermal plume hazards.
2. All SEGS projects located within airport zones shall be subject to review by the FAA.