

ORDINANCE NO:
INTRODUCED:
PUBLIC HEARING:
ENACTED:
EFFECTIVE:

COMMISSIONERS OF POOLESVILLE, MARYLAND

AN ORDINANCE of the Commissioners of Poolesville, Maryland
to:

- (1) Add provisions regulating alternative energy systems,
including wind, solar and geothermal;
- (2) Require use permits for alternative energy systems.

By amending:

Appendix B, "Zoning"

Use Chart;

Development Standards Chart;

Section

Boldface indicates heading

Italics indicate defined terms

Underlining indicates matter added to existing law by the original bill

[single boldface brackets] indicate matter deleted from existing law

Double underlining indicates matter added by amendment

[[double boldface brackets]] indicate matter deleted from existing law
or the bill by amendment to the bill

ORDINANCE

BE IT ORDAINED by the Commissioners of Poolesville,
Maryland, that:

SECTION 1. Appendix B, Zoning; Use Chart, **is amended as follows:**

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	R 1/3	R 1/2	R 3/4	R M U L	R D T	C O M M	C B D
Alternative Energy Systems							
<u>Small Wind Energy Systems</u>							
Ground mount					P		P
Roof Mount	P	P	P	P	P	P	
Solar Systems (Onsite Use)	P	P	P	P	P	P	P
Geo Thermal (Loop System Only)	P	P	P	P	P	P	P

SECTION 2. Appendix B, Zoning; Development Standards Chart, is amended as follows:

	R 1/3	R 1/2	R 3/4	R M U L	R D T	C O M M	C B D
Small Wind Energy Systems							
<u>Minimum sideline setback</u>					Equal to height		Equal to height
<u>Minimum rear yard</u>					Equal to height		Equal to height
<u>Maximum Height</u>					60ft		50ft
<u>Minimum front building line</u>					Equal to height		
<u>Roof Mount</u>	See Notes 13 & 14						
Solar Systems							
<u>Minimum sideline setback (Ground mount)</u>	5ft	5ft	5ft		Equal to height		
<u>Minimum rear yard (Ground mount)</u>	3ft	3ft	3ft		Equal to height		
<u>Maximum Height (Ground mount)</u>	14ft	14ft	14ft		25ft	25ft	25ft
<u>Roof Mount</u>	See Note 14						

13) Must not exceed 10 ft. above roof peak

14) Must not extend beyond sidelines of structure

Definitions:

Small Wind Energy System - 100 KW or less for onsite power use; credit.

Pole mounted wind system height - vertical distance from ground to tip of the blade at its highest point.

Roof mounted wind system height - vertical distance from the base mount to the tip of the blade at its highest point.

Solar System (Private Use) - Ground or roof mounted for onsite power use.

Ground mounted solar system height - vertical distance from the ground to the highest point of the system.

Traditional Windmill - Similar to solitary farm windmills, which have long been in use in rural communities, constructed with multi blades, tail and a four-post tower.

dBA means decibels of sound, as determined by the A-weighting network of a sound level meter or by calculation from octave band or one-third octave band data.

Decibel means a unit of measurement equal to 10 times the logarithm to the base 10 of the ratio of a particular sound pressure squared to the standard reference pressure squared. For this Chapter, the standard reference pressure is 20 micropascals.

SECTION 3. Appendix B, Zoning, is amended as follows:

Sec. 7A. Alternative Energy Systems

A. Use Permits:

- 1) Requirements: No energy system shall be erected, altered or relocated without Planning Commission site plan approval.
- 2) Duration of Validity: A use permit shall remain valid only as long as the energy system is in conformance with the provisions of this ordinance and shall be revoked by the Commissioners of Poolesville if it violates the provisions of this ordinance.

3) Abandonment:

- a) If the energy system is out-of-service for 12 months it shall be deemed abandoned and the use permit will be null and void.
- b) Upon written notice, that the energy system is in disrepair, deemed unsafe or in violation of the listed standards, the owner must physically repair, bring into compliance or remove the system within 30 days. Failure to do so is a violation of this ordinance.

B. Review Process:

An application for a use permit shall include such information as the Planning Commission may require, including the following:

- 1) Property lines and physical dimensions of the applicant's property
- 2) Location, dimensions and types of existing structures on the property
- 3) Proposed location, dimensions, design, generation capacity and color of the proposed energy system
- 4) Right-of-ways of all public roads contiguous with the property
- 5) Location of all overhead utility lines
- 6) Sound level analysis prepared by a qualified engineer or manufacturer

C. Wind Generator Standards:

- 1) All wind energy systems must be reviewed and sealed by a registered Structural Professional Engineer. A report shall be submitted to the Town along with supporting diagrams, any modifications and structural calculations based upon as-built conditions. Report standards shall be based upon appropriate building codes for Montgomery County Maryland. The applicant will be required to obtain a building permit through Montgomery County.
- 2) All wind energy systems must be U.L. rated.

- 3) Residential Zones are allowed roof mounts only.
- 4) Commercial Zones are allowed roof mounts only.
- 5) CBD Zone is allowed traditional style only.
- 6) RMUL Zones are allowed roof mounts only.
- 7) RDT zones are allowed roof mounts, traditional and monopoles.
- 8) Ground mounted wind energy systems shall be set-back a minimum of the system height from property lines, utility lines and public roads.
- 9) Ground mounted system height shall not exceed a maximum height of 60 feet in the RDT and 50 feet for all other permitted zones; the blade tip shall at its lowest point have no less than 30 foot of ground clearance.
- 10) Roof mounted wind systems shall not extend 10 feet above the peak roof line of the structure.
- 11) Residential and CBD shall be allowed one wind system per unit and require property owner's approval.
- 12) Commercial properties shall be allowed one wind system per electrical metered unit and require property owner's approval.
- 13) RDT shall be allowed 1 wind system per 5 acres to a maximum of 3.
- 14) Sound levels shall not exceed 55 decibels measured from the property line; the Town will use Montgomery County regulations to establish the equipment and techniques it will use to measure sound levels.
- 15) Color shall be non-reflective, unobtrusive and blend with the surrounding environment. Approved colors include but are not limited to white, off-white and gray.
- 16) Towers shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of 12 feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

- 17) No small wind energy system shall cause permanent and material interference with television or other communication signals.
- 18) Signs, flags, streamers and decorative items both temporary and permanent attached to the wind energy system are prohibited except manufacturer identification or appropriate warning signs.
- 19) Wind energy system foundations shall comply with Montgomery County building regulations.
- 20) Construction of wind energy systems are for on-site consumption or credit.
- 21) Must submit Montgomery County final inspection certificate prior to use.

D. Geothermal Standards:

- 1) Only horizontal closed loop system are allowed.
- 2) Must be installed by a certified installer.
- 3) System must use nontoxic/food grade liquid chemicals.

E. Solar Energy System Standards:

1) Residential

- a) Must submit permit for approval.
- b) Must comply with requirements in Development Chart.

2) Commercial and Central Business District (CBD) Zones

- a) No permit shall be issued for the construction or erection of a solar system in the Commercial or CBD zone except in accordance with an approved site plan.
- b) The site plan shall be filed with the Planning Commission for review and approval.
- c) The site plan shall ensure the harmonious relationship established in the Master Plan for architectural building elements and the overall

Streetscape Plan.

- d) Systems must be compatible with the aesthetics of the building design and neighboring structures.
- e) Systems must not extend beyond roofline and shall have limited visibility from roadways.
- f) **CBD** - Systems must not be visible from main roadway unless, the technology is not distinguishable from the building's construction, design and architecture.

SECTION 4. This Ordinance shall become effective immediately upon adoption.