

CITY OF DOVER
ORDINANCE #2011-01

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Appendix B - Zoning, Article 5 – Supplementary Regulations be amended by adding a new section 20 as follows:

Section 20. Solar and small wind energy systems.

Solar energy systems and small wind energy systems shall be permitted as accessory uses within all zones subject to the following requirements:

20.1 Residential Zones.

20.11 Solar energy systems shall be subject to the following:

- (a) Ground-mounted solar energy systems shall be permitted only in the rear yard.
- (b) Ground-mounted solar energy systems shall be set back a minimum of five feet from side and rear property lines, or the height of the tallest point on the system, whichever is greater.
- (c) Ground-mounted solar energy systems shall not exceed 15 feet in height.
- (d) Ground-mounted solar energy systems shall be visually screened from adjacent properties to a height of six feet by either an opaque fence or a dense vegetative screen.
- (e) All exterior electrical and/or plumbing lines must be buried below the surface of the ground and placed in a conduit.
- (f) Roof-mounted solar energy systems must comply with all building height requirements for the zoning district where the system is to be installed.

20.12 Small wind energy systems in residential zones shall be subject to the following restrictions:

- (a) Small wind energy systems shall be set back 1.0 times the turbine height from adjoining property lines. Turbine height means the height of the tower plus the length of one blade.
- (b) The aggregate noise or audible sound of a small wind energy system shall not exceed five decibels above the existing average noise level of the surrounding area and shall

- be restricted to a maximum of 60 decibels measured at any location along the property line of the parcel where the small wind energy system is located.
- (c) Small wind energy systems shall be free from signage, advertising, flags, streamers, decorative items, or any item not related to the operation of the wind turbine. Electric wiring for the turbines shall be placed underground for non-building integrated systems.
 - (d) Small wind energy systems shall not be permitted within the H (Historic District) Zone.
 - (e) Any small wind energy system shall be visually screened to a height of six feet by either an opaque fence or a dense vegetative screen from any properties or structures included on the National Register of Historic Places.

20.2 Non-Residential Zones.

20.21 Solar energy systems shall be subject to the following:

- (a) For the purposes of this subsection, a use is considered accessory if it is located within a complex or campus that includes one or more contiguous lots under common ownership and management, where the principal use of the complex or campus is other than a solar energy system, and the energy generated by the solar energy system is intended to primarily reduce on-site consumption of utility-supplied energy.
- (b) Ground-mounted solar energy systems shall not occupy more than 30 percent of the lot area of the complex or campus for which the solar energy system is proposed.
- (c) If ground-mounted solar energy systems are proposed to occupy more than 30 percent of the lot area of the complex or campus, their placement shall be subject to conditional use approval by the Planning Commission.
- (d) Ground-mounted solar energy systems shall not be located between the principal structure and the street upon which the principal structure fronts.
- (e) All exterior electrical and/or plumbing lines must be buried below the surface of the ground and placed in a conduit.
- (f) Solar energy systems, whether roof-mounted or ground-mounted, must comply with all building setback and height requirements for the zoning district where the system is to be installed.

20.22 Small wind energy systems shall be subject to the following restrictions:

- (a) Small wind energy shall be set back 1.0 times the turbine height from adjoining property lines. Turbine height means the height of the tower plus the length of one blade.
- (b) The aggregate noise or audible sound of a wind system shall not exceed five decibels above the existing average noise level of the surrounding area and shall be restricted to a maximum of 60 decibels measured at any location along the property line to the parcel where the small wind energy system is located.
- (c) Small wind energy systems shall be free from signage, advertising, flags, streamers, decorative items, or any item not related to the operation of the wind turbine. Electric wiring for the turbines shall be placed underground for non-building integrated systems.
- (d) Small wind energy systems shall not be permitted within the H (Historic District) Zone.
- (e) Any small wind energy system shall be visually screened to a height of six feet by either an opaque fence or a dense vegetative screen from any properties or structures included on the National Register of Historic Places.

20.3 *Decommissioning.*

Solar energy systems and/or small wind energy systems must be maintained and kept in a state suitable for immediate operation. When it can be demonstrated that a solar energy system or small wind energy system, as approved in accordance with this section, is in a state of disrepair and is not suitable for immediate operation, that system shall be removed and the accessory use terminated.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 12 – Definitions, be amended to add the following definitions:

Solar energy system. Any solar collector or other solar energy device, or any structural design feature, mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, for water heating, or for electricity.

Small wind energy system. A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which is intended to primarily reduce on-site consumption of utility-supplied energy.

SYNOPSIS

The ordinance adds solar energy systems and small wind energy systems as accessory uses within all zoning districts; sets standards for these systems to ensure protection of the character of the zones, as well as public health, safety and welfare; and adds definitions for such systems to the *Zoning Ordinance*.

ADOPTED: APRIL 11, 2011

Actions History:

- April 11, 2011 – Public Hearing/Final Reading - Council
- March 21, 2011 – Planning Commission Review
- February 14, 2011 – First Reading – Council
- January 24, 2011 – Reconsidered by Utility Committee
- January 10, 2011 – Introduced at Utility Committee and referred back to staff for changes