

ORDINANCE NO. 2229

AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV RELATING TO WIND TURBINES AND WINDMILLS IN SUSSEX COUNTY

WHEREAS, on or about September 13, 2011 Sussex County adopted an Ordinance regarding wind turbines and windmills pursuant to Title 29 Section 8060 of the Delaware Code.

WHEREAS, because of public hearings and comments on the Ordinance, Sussex County wants to enhance the Ordinance to include some of the comments and concerns of Sussex County citizens.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Amend Sussex County Code, Chapter 115, Article XXV §115-194.4 A, WIND TURBINES, by deleting the sentence “The following regulations shall apply to a wind turbine as an accessory use for residential purposes pursuant to applicable state law.” and inserting in lieu thereof a new sentence to read as follows:

A.
The following regulations shall apply to a single wind turbine of less than 100 feet total height that is accessory to a principal use on the same lot. [The following regulations shall apply to a wind turbine as an accessory use for residential purposes pursuant to applicable state law.]

Section 2. Amend Sussex County Code, Chapter 115, Article XXV §115-194.4 A, WIND TURBINES, by adding new subsections 194.4 A(8), 194.4 A(9), 194.4 A(10), 194.4 A(11) to read as follows:

(8)
As an alternative to the one wind turbine allowed by the above subsections, a lot may include 3 wind turbines if the total height to the tallest extended part of each wind turbine above the surrounding ground level of each wind turbine is not more than 50 feet. This subsection may allow wind turbines that are either ground mounted or roof mounted.

(9)
All new electrical lines to wind turbine(s) shall be placed underground, unless the wind turbine is integrated with a building.

(10)
No advertising, signs or similar decorative items that can be read from beyond the property line shall be permitted on wind turbines and/or their supports.

(11)
If a new wind turbine is proposed within 200 feet from a building listed on the National Register of Historic Places, then a mix of native deciduous and evergreen trees and shrubs shall be planted between the wind turbine and such building to filter views of the wind turbine from the building.

Section 3. Amend Sussex County Code, Chapter 115, Article XXV §115-194.4 B, WIND TURBINES, by adding new subsections 194.4 B(7) and 194.4 B(8) to read as follows:

(7)

This subsection shall limit the maximum number of wind turbines that have a maximum height total height including the extended blade of more than 50 feet above the average surrounding ground level. A maximum of one such wind turbine shall be allowed for each 5 acres of lot area per parcel. If more than 5 such wind turbines are proposed on a parcel, then a special use exception shall be required from the Board of Adjustment.

(8)

Wind turbines allowed under this section shall meet the requirements of §115-194.4 A subsections (9) through (11).

Section 4. Amend Sussex County Code, Chapter 115, Article XXV §115-194.4 C, WIND TURBINES, by adding new subsections 194.4 C(10) and 194.4 C(11) to read as follows:

(10)

This subsection shall limit the maximum number of wind turbines that have a maximum height total height including the extended blade of more than 50 feet above the average surrounding ground level. A maximum of one such wind turbine shall be allowed for each 5 acres of lot area per parcel. If more than 5 such wind turbines are proposed on a parcel, then a special use exception shall be required from the Board of Adjustment.

(11)

Wind turbines allowed under this section shall meet the requirements of §115-194.4 A subsections (9) through (11).

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2229 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 6TH DAY OF DECEMBER 2011.



ROBIN A. GRIFFITH
CLERK OF THE COUNCIL