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AWS Model Zoning Ordinance: Permitted Use Regulation for Small Wind Turbines

§ Small Wind Energy Systems

(1) **Purpose** - It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

This regulation authorizes _____, the local agency to provide, by ordinance, for the installation of small wind energy systems, as specified, and to issue a permit for this purpose. This regulation authorizes the local agency to permit installation of these systems, as specified. No other local ordinance, policy, or regulation shall be the basis to deny the siting and operation of a small wind energy system. This regulation also requires the local agency to approve an application for a small wind energy system by right if the criteria below are met and authorizes the local agency to charge a fee of not more than _____ (*\$50 suggested*) dollars per small wind energy system. If any portion of the proposed small wind system does not meet the requirements set under this regulation, a zoning variance will be required.

(2) **Findings** - The [*local agency*] finds that wind energy is an abundant, renewable, and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Distributed small wind energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the State of New York's energy supply portfolio. Small wind systems also make the electricity supply market more competitive by promoting customer choice.

(3). **Specific - Definitions:**

Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity appropriate to the on-site electric usage of the end-user.

Turbine: The parts of a wind system including the blades, generator and tail.

Tower Height: The height above grade of the fixed portion of the tower, excluding the wind turbine and blades.

(4) **Permitted Use:** Small Wind Energy Systems shall be a permitted use in all zoning classifications where structures of any type are allowed, subject to the following requirements:

(A) Notice of an application for installation of a small wind energy system shall be provided to property owners within 200 feet of the property on which the system is to be located.

(B) Tower heights of not more than 140 feet shall be allowed on parcels between one and five acres. For property sizes of five acres or more, there is no limitation on tower height, except as imposed by FAA regulations, provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.

(C) Setbacks for the system tower shall be no closer to the property line than the height of the system and no part of the system, including guy wire anchors, may extend closer than 10 feet to the property boundary. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of six feet above the guy wire anchors.

(D) Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.

(E) Decibel levels for the system shall not exceed 60 decibels (dBA) measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe windstorms.

(F) The application shall include standard drawings and an engineering analysis of the system's tower, and certification by a professional mechanical, structural, or civil engineer. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the most stringent wind requirements.

(G) The system shall comply with all applicable Federal Aviation Administration requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulations regarding installations close to airports.

(H) No grid-interconnected wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install a grid-connected customer-owned generator. Off-grid systems shall be exempt of this requirement.

(5) **Public Hearing:** If the proposed small wind energy system meets the above criteria, this regulation requires the local agency to approve an application for the small wind energy system by right and no public hearing will be required. For those proposed small wind energy systems that do not meet the above criteria a zoning variance will be required and a public hearing may necessary.