

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Small Wind Energy Systems

Section 674:63

674:63 Municipal Regulations of Small Wind Energy Systems. – Ordinances or regulations adopted by municipalities to regulate the installation and operation of small wind energy systems shall not unreasonably limit such installations or unreasonably hinder the performance of such installations. Unreasonable limits or hindrances to performance shall include the following:

- I. Prohibiting small wind energy systems in all districts within the municipality.
- II. Restricting tower height or system height through application of a generic ordinance or regulation on height that does not specifically address allowable tower height or system height of a small wind energy system.
- III. Requiring a setback from property boundaries for a tower greater than 150 percent of the system height. In a municipality that does not adopt specific setback requirements for small wind energy systems, any small wind energy system shall be set back from the nearest property boundary a distance at least equal to 150 percent of the system height; provided, however, that this requirement may be modified by the zoning board of adjustment upon application in an individual case if the applicant establishes the conditions for a variance under this chapter.
- IV. Setting a noise level limit lower than 55 decibels, as measured at the site property line, or not allowing for limit overages during short-term events such as utility outages and severe wind storms.
- V. Setting electrical or structural design criteria that exceed applicable state, federal, or international building or electrical codes or laws.

Source. 2008, 357:1, eff. July 11, 2009.