

Section 5-30 REGULATIONS GOVERNING ERECTION OF ENERGY-GENERATING WIND POWER DEVICES

A. Definitions

For the purpose of this section, the following definitions shall apply:

Windmill. A device which converts wind energy to mechanical or electrical energy.

Windmill Rotor. That portion of the windmill, i.e. blades, associated hub and shaft, intended to be moved or activated by the wind.

Windmill Tower. The supporting structure on which the rotor and accessory equipment are mounted.

B. Not otherwise permitted

Unless otherwise noted, windmills not described and regulated in this section are not permitted unless a Special Permit is obtained from the Board of Appeals.

C. General Regulations

1. Abandonment/Safety: A windmill will be considered abandoned if not operated for a period of two (2) years or if it is designated a safety hazard by the Building Inspector. Once a windmill is designated as abandoned, the owner shall be required to immediately dismantle the installation.
2. Access: Climbing access to the windmill tower shall be limited either by:
 - a. The installation of a fence with locked gate around the tower base; or,
 - b. By limiting tower climbing apparatus to no lower than ten (10) feet from the ground, if a fence is used, it shall be no lower than five (5) feet and constructed in such a manner as to restrict passage through said fence, including such construction as stockade, woven wood, chain link, etc.

Note: Open height shall be measured as the vertical distance from the top of the roof of the building on which the windmill is mounted to the center of the windmill rotor.

The permissible height of windmills with rotors which are mounted vertically shall be measured from the top of the roof of the building on which the windmill is mounted to a point halfway between the lowest and the highest point of the rotor.

3. Noise and Electrical Interference: Setback requirements notwithstanding, no windmill shall be located as to generate excessive noise and/or electrical interference, e.g. with radio and television reception on neighboring premises.

If such interference or excessive noise is created, the Building Inspector, after examination of the complaint, shall be authorized to order cessation of cooperation of the device. The City Council shall, thereupon, set a date for a duly authorized public hearing. The City Council shall be empowered to order appropriate permanent corrective action or order the permanent cessation of the device.

4. Placement: No windmill shall be constructed in any front or side yard area. All other setback requirements shall be measured from property lines to the center of the base of the windmill tower.
5. All wind generating devices shall be in conformance with all applicable state Building Codes as interpreted by the Building Inspector.
6. The Inspector of Buildings may also require the stamp of an appropriate certified engineer for structures that he/she shall determine necessity for.

D. Specific Regulations

1. Windmills permitted upon issuance of appropriate permits by the Inspector of Buildings. Prior to issuing approval, the Building Inspector shall forward the request to the Airport Commission who shall insure that the proposed device presents no navigational hazards. Determination that such hazard exists shall be grounds for permit rejection.
 - a. Freestanding windmills permitted in any zoning district:

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| (1) Maximum Height: | 75 feet |
| (2) Maximum Rotor Diameter: | 35 feet |
| (3) Setback | 1.7 times the height of the windmill |
 - b. Roof mounted windmills permitted in RA and RB zoning districts:

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| (1) Maximum Height | 15 feet |
| (2) Maximum Rotor Diameter | 6 feet |
 - c. Roof mounted windmills permitted in all other zoning districts:

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| (1) Maximum Height | 25 feet |
| (2) Maximum Rotor Diameter | 16 feet |
 - d. Setback: 1.5 times the height of the windmill measured from the nearest property line. A Special Permit may be sought for a windmill which is jointly owned by abutting land owners. Required setbacks may be measure from the farthest property lines of such abutting properties.
2. Windmills allowed by Special Permit granted by the Board of Appeals:
 - a. Maximum heights and rotor Dimensions:
 - (1) Freestanding: Any Zoning District

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| Height: | 100 feet |
| Rotor Diameter: | 65 feet |
 - (2) Roof Mounted: RA and RB Zoning Districts

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| Height: | 25 feet |
| Rotor Diameter: | 16 feet |
 - (3) Roof Mounted: All Other Zones

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| Height: | 40 feet |
| Rotor Diameter: | 20 feet |
 - b. Setback, free standing windmills: 2.00 times the height of the windmill.

In the event a Special permit is sought for a windmill which is to jointly owned by abutting land owners, required setbacks may be measured from the farthest property lines of such abutting properties.
 - c. *In considering a Special Permit, the Board of Appeals shall determine that no substantial detriment to the public good or safety shall occur; in addition, the Board shall ensure that the permit sought will not adversely affect the environmental and visual quality of the City.*

The Board shall also ensure that any Special Permits granted for jointly owned windmills contain provisions to guarantee that responsibility for maintenance and repair of such windmills "runs with the land" or each participating landowner.

(9/3/87)