

**Windmill Amendments
Zoning Ordinance**

SEC/ 19-1-3. DEFINITIONS

Wind Energy System: A structure or structures that may include a wind turbine, a tower, footings, electrical infrastructure, and associated equipment and structures intended to produce electrical power primarily for on-site consumption, or consumption by the local government. (Effective 8/14/08)

ARTICLE III. ADMINISTRATION AND ENFORCEMENT

B. Site Plan Approval

None of the following activities shall commence until after site plan approval has been obtained from the Planning Board in accordance with the provisions of Article IX, Site Plan Review:

1. activities involving the construction or expansion of nonresidential buildings or structures, excluding wind energy systems.
2. the change or expansion of a nonresidential use (except as provided in the Town Center District)
3. the construction of multiplex housing or eldercare facilities
4. any other activity identified in Article VI, District Regulations, as requiring site plan review
5. new construction involving more than ten thousand (10,000) square feet of impervious surface, paving, clearing, or vegetative alteration, or any combination thereof.

C. Building Permit

No construction, structural alteration, enlargement, or relocation of a building or structure shall commence until after the issuance of a Building Permit by the Code Enforcement Officer in accordance with Sec. 19-3-3, Building Permits.

No installation of an amateur or governmental wireless telecommunication facility antenna which extends 15' feet or more from the roof of a structure shall occur until after the issuance of a Building Permit by the Code Enforcement Officer in accordance with Sec. 19-3-3. No installation of a commercial wireless telecommunication antenna on an alternative tower structure shall occur until after the issuance of a Building Permit by the Code Enforcement Officer in accordance with Sec. 19-3-3, except that the Code Enforcement Officer may refer the antenna installation application to the Planning Board

for review under Sec. 19-9, Site Plan Review and Sec. 19-8-12, Tower and Antenna Performance Standards, if the antenna concealment is not complete. **(Effective April 15, 2000)**

No installation of a wind energy system shall occur until after the issuance of a Building Permit by the Code Enforcement Officer in accordance with Sec. 19-3-3 and a determination by the Code Enforcement Officer that the performance standards in Sec. 19-8-13, Wind Energy Systems, have been met.

SEC. 19-3-3. BUILDING PERMITS

A. Permit Required

No building, structure, or part thereof shall be constructed, structurally altered, enlarged, or moved until a Building Permit for such action has been issued by the Code Enforcement Officer. The contractor, builder, and developer, as well as the property owner shall be responsible for any and all permits. Site plan approval, in accordance with the provisions of Article IX, Site Plan Review, may be required prior to the issuance of a building permit for certain types of uses including commercial and multiplex residential construction.

B. Compliance With This Ordinance

No Building Permit shall be issued until the proposed construction or alteration complies with the provisions of this Ordinance or with a decision rendered by the Zoning Board of Appeals and with any approvals of the Planning Board.

C. Applications for Permits

All applications for Building Permits shall be submitted in writing to the Code Enforcement Officer on forms provided for the purpose. The application shall be accompanied by the following information:

1. A site plan drawn to an indicated scale and showing the location and dimensions of all buildings to be erected, the sewage disposal system, driveways and turnarounds, and abutting lot and street lines. The site plan shall accurately represent the relationship between any proposed building or structure or addition to an existing building and all property lines to demonstrate compliance with the setback requirements of this Ordinance. If there is any doubt as to the location of a property line on the ground or if the Code Enforcement Officer cannot confirm that all setback requirements are met from the information provided, the Code Enforcement Officer may require the applicant to provide a boundary survey or mortgage inspection plan.
2. Approval by the Local Plumbing Inspector of any private sewage disposal system proposal for the building, together with the plans for the approved system.

3. Information required to determine compliance with the terms and conditions for building and development in flood hazard areas as set forth under Chapter 6, Article VI, Floodplain Management Ordinance if the building is located within a flood hazard area.

4. Such other information as the Code Enforcement Officer may require to determine compliance with this Ordinance or the Building Code.

D. Action on Applications

Within seven (7) working days of the filing of an application for a Building Permit involving a single family residence or fifteen (15) working days for permits involving other uses, the Code Enforcement Officer shall approve, deny, or refer such application to the appropriate body. The decision of the Code Enforcement Officer shall be in writing citing the provisions of the Ordinance that apply and communicated directly to the applicant. One copy of the decision shall be filed in the Code Enforcement Officer's office. If the proposed activity requires site plan review in accordance with Article IX, Site Plan Review, the Code Enforcement Officer shall refer the applicant to the Town Planner. If a Conditional Use permit is required, the Code Enforcement Officer shall refer the applicant to the Zoning Board of Appeals and provide a copy of the decision to the Board.

SEC. 19-6-1. RESIDENCE A DISTRICT (RA)

B. Permitted Uses

3. The following nonresidential uses:

e. Wind energy system

E. Standards

2. The following Space and Bulk Standards shall apply:

MINIMUM LOT AREA

(6) Wind energy systems 20,000 sq. ft.

MINIMUM SETBACKS

(9) Wind energy system 110% of the distance from the ground to the center of the turbine

SEC. 19-6-2. RESIDENCE B DISTRICT (RB)

B. Permitted Uses

3. *The following nonresidential uses:*

d. Wind energy system

E. Standards

2. *The following Space and Bulk Standards shall apply:*

MINIMUM LOT AREA

(3) Wind energy systems 20,000 sq. ft.

MINIMUM SETBACKS

(8) Wind energy system 110% of the distance from
the ground to the center of the turbine.

SEC. 19-6-3. RESIDENCE C DISTRICT (RC)

B. Permitted Uses

3. *The following nonresidential uses:*

d. Wind energy system

E. Standards

2. *The following Space and Bulk Standards shall apply:*

MINIMUM LOT AREA

(5) Wind energy systems 20,000 sq. ft.

MINIMUM SETBACKS

(9) Wind energy system 110% of the distance from the ground to the
center of the turbine.

SEC. 19-6-4. TOWN CENTER DISTRICT (TC)

B. Permitted Uses

1 **3. The following nonresidential uses:**

2
3 1. Wind energy system

4
5 **D. Standards**

6
7 **2. The following Space and Bulk Standards shall apply:**

8
9 **MINIMUM LOT AREA**

10
11 **(4) Wind energy systems** 20,000 sq. ft.

12
13 **MINIMUM SETBACKS**

14
15 **(9) Wind energy system** 110% of the distance from the ground to the
16 center of the turbine

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18 **SEC. 19-6-5. BUSINESS DISTRICT A (BA)**

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20 **B. Permitted Uses**

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22 **3. The following nonresidential uses:**

23
24 i. Wind energy system

25
26 **E. Standards**

27
28 **2. The following Space and Bulk Standards shall apply:**

29
30 **MINIMUM LOT AREA**

31
32 **(5) Wind energy systems** 20,000 sq. ft.

33
34 **MINIMUM SETBACKS**

35
36 **(11) Wind energy system** 110% of the distance from
37 the ground to center of the turbine.

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39 **SEC. 19-6-6. BUSINESS DISTRICT B (BB)**

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41 **B. Permitted Uses**

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43 **3. The following nonresidential uses:**

44
45 d. Wind energy system

E. Standards

2. The following Space and Bulk Standards shall apply:

MINIMUM LOT AREA

(5) Wind energy systems 20,000 sq. ft.

MINIMUM SETBACKS

(11) Wind energy system 110% of the distance from the ground to the center of the turbine

SEC. 19-6-8. FORT WILLIAMS PARK DISTRICT (FWP)

B. Permitted Uses

5. Wind energy system

E. Standards

2. The following Space and Bulk Standards shall apply:

MINIMUM SETBACKS

(4) Wind energy system 110% of the distance from the ground to the center of the turbine

SEC. 19-8-13. Wind Energy System Performance Standards

Prior to the issuance of a Building Permit for a Wind Energy System, the Code Enforcement Officer shall determine that the following standards have been met. The Code Enforcement Officer shall require that such other information needed to determine compliance with the standards below be included in the Building Permit application.

1. Number. No more than 1 wind energy system shall be permitted per lot and shall only generate energy for use for a main building and/or accessory buildings located on the same lot. This standard is not intended to prohibit the transfer of excess energy to the grid.

2. Tower. A wind energy system shall be mounted on a monopole or guyed wire tower. The setback for guy wires shall be equivalent to the setback for a principal structure.

3. Blade Clearance. The minimum distance between the ground and any protruding blades shall be 20 feet as measured at the lowest point of the arc of the blades.

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- 2 4. Access. The tower shall be designed and installed such that public access via step
- 3 bolts or a ladder is prevented for a minimum of 12 feet above the ground.
- 4
- 5 5. Appendages. No appendages shall be attached to the wind energy system tower
- 6 that is not incidental to its primary use.
- 7
- 8 6. Signs. The wind energy system shall not display any permanent or temporary
- 9 signs, writing, symbols, logos, or any graphic representation, except that warning
- 10 signs and manufacturers signs not to exceed 1 sq. ft. per manufacturer may be
- 11 permitted.
- 12
- 13 7. Lighting. No wind energy system shall be lighted.
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- 15 8. Wiring. Wiring shall be installed underground and shall be approved by the Code
- 16 Enforcement Officer for compliance with the electrical code.
- 17
- 18 9. Removal. Any wind energy system which is deemed unsafe by the Code
- 19 Enforcement Officer, is not working or is not used for a period of one year shall
- 20 be removed by the property owner.
- 21
- 22 10. Noise. Wind energy systems shall not exceed 55 dB(a) at the property line.
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- 24 11. Color. The wind energy system shall have a non-reflective, neutral color surface.
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