

APPENDIX B – ZONING
5000 – SUPPLEMENTAL USE REGULATIONS

5800. - ALTERNATIVE ENERGY REGULATIONS

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5801. - WIND ENERGY SYSTEMS

[Sec.] 5802. - Purpose.

It is the purpose of this regulation to allow the safe, effective and efficient use of wind energy systems.

(Ord. No. 29-2009, § 1, 5-5-2009)

[Sec.] 5803. - Definitions.

F.A.A. means the Federal Aviation Administration.

Primary structure means a structure that is designed and used as a residential dwelling unit, or a non-residential structure that is regularly occupied to conduct business or commerce including agricultural use.

Structure height means the height of the entire wind energy system, as measured from the bottom of the base to the highest vertical point of the system, including the base and tower and the highest reach of the turbines and/or blades.

Tower means the monopole, freestanding, or guyed structure that supports a wind energy system.

Utility company means the company which owns and/or maintains the power lines and/or electrical grid structure to which a property is or may be connected.

Utility grid wind energy system means a wind energy system designed and built with a primary purpose to provide electricity to the electric grid.

Wind energy system means a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine, a tower or attached apparatus, and associated control or conversion electronics, and is intended for on-site production and consumption of electricity to serve the needs of the consumer on site.

(Ord. No. 29-2009, § 1, 5-5-2009)

[Sec.] 5804. - Conditional use permit required.

A wind energy system as defined herein shall be subject to the conditional use procedure as outlined in section 7200.

(Ord. No. 29-2009, § 1, 5-5-2009)

[Sec.] 5805. - Primary structure required on lot.

A wind energy system may be erected only:

1. After a primary structure has been erected on the lot; or
2. As part of PUD Planned Unit Development District.

(Ord. No. 29-2009, § 1, 5-5-2009)

[Sec.] 5810. - Location and setback.

APPENDIX B – ZONING
5000 – SUPPLEMENTAL USE REGULATIONS

1. The tower shall be set back from any property line at least the distance equal to the structure height.
2. Under no circumstances will a wind energy system be permitted to operate inside a building setback.
3. Associated equipment enclosures or other buildings and structures located on the same property are subject to the otherwise applicable building setback requirements of the district in which the facility is located.
4. No portion of a wind energy system, or the required setback, shall encroach upon an easement unless authorized to do so in writing by the easement holder.
5. A lot on which a wind energy system is constructed shall not be subdivided, unless such subdivision maintains the required structure height setback of the wind energy system from any property lines.

(Ord. No. 29-2009, § 1, 5-5-2009)

[Sec.] 5815. - Maximum height.

1. A wind energy system may exceed the height of a zoning district.
2. No tower height shall exceed the height recommended by the manufacturer or the distributor of the wind energy system.
3. Tower height is subject to FAA regulations and restrictions.
4. No wind energy system shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in 14 Code of Federal Regulations, Part 77, or as restricted by the latest SAFB AICUZ (Air Installation Compatible Use Zone) Study and section 6400, (Airport Zoning Regulations), of this [ordinance].
5. The minimum distance from the ground to the lowest reach of the blade or turbine shall be 20 feet.

(Ord. No. 29-2009, § 1, 5-5-2009)

[Sec.] 5820. - Lighting.

Wind energy systems and towers specifically must comply with the requirements of the FAA with regard to lighting. When obstruction lighting is required by the FAA, such lighting shall not exceed the requirements of said agency. Upward lighting, flood lights or other lighting not strictly required by the FAA is prohibited.

(Ord. No. 29-2009, § 1, 5-5-2009)

[Sec.] 5825. - Sound.

Sound produced by the turbine or blades under normal operating conditions shall not exceed a decibel level of 35 measured at the ground at any property line. Sound levels, however, may be exceeded during short-term events caused by weather or environmental conditions such as severe wind storms. A determination regarding the unacceptable duration of excessive sound from a turbine or blades shall be within the discretion of the building official.

(Ord. No. 29-2009, § 1, 5-5-2009)

[Sec.] 5830. - Access.

Every effort shall be made to prevent unauthorized climbing of the tower. Any foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood shall be fastened to the bottom tower section such that it cannot be readily climbed.

(Ord. No. 29-2009, § 1, 5-5-2009)

[Sec.] 5835. - Utility notification.

APPENDIX B – ZONING
5000 – SUPPLEMENTAL USE REGULATIONS

No wind energy system shall be installed until the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Wind energy systems which are not interconnected to the utility grid shall be exempt from this requirement.

(Ord. No. 29-2009, § 1, 5-5-2009)

[Sec.] 5840. - Building permit.

1. A building permit must be obtained prior to the construction or installation of a wind energy system. An application for a building permit must be accompanied by the following:
 - i. The appropriate fee as established in the city's fee schedule;
 - ii. A site plan of the proposed wind energy system which clearly shows:
 - a. The location of the system;
 - b. All components of the system;
 - c. Distances to property lines;
 - d. Required setbacks;
 - e. Existing structures on the site;
 - f. Existing easements and authorization documentation if required; and
 - g. Natural features such as watercourses and trees;
 - iii. Elevation drawings showing the design and structure height of the proposed wind energy system;
 - iv. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the latest adopted version of the National Electrical Code; and
 - v. Standard installation drawings of the structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with current laws and certified by a licensed professional engineer registered in the state shall also be submitted.
2. For the purposes of necessary inspections and permits and all other applications of the Building Code, a wind energy system shall be considered a structure.

(Ord. No. 29-2009, § 1, 5-5-2009)

[Sec.] 5845. - Maintenance.

1. A wind energy system shall be maintained at all times, including, but not limited to, painting and maintaining structural integrity.
2. Wind energy systems that have become unstable, apparently lean significantly out of plumb, or pose a danger of collapse shall immediately cease operating and be removed or brought into repair within 30 days following notification by the city.
3. If the wind energy system is not made safe or removed within 30 days following notification by the city, the city may remove the wind energy system and place a lien on the property for the costs of the removal. However, the building official may order immediate action to prevent an imminent threat to public safety or property.
4. Failure of a property owner to make safe or remove a wind energy system as required by subsection 2 of this section within 30 days following notification by the city shall constitute a violation punishable by a fine as provided in section 1-14 of the City of Wichita Falls Code of Ordinances, and each day any violation shall continue shall constitute a separate offense.

(Ord. No. 29-2009, § 1, 5-5-2009)

APPENDIX B – ZONING
5000 – SUPPLEMENTAL USE REGULATIONS

[Sec.] 5850. - Removal.

A demolition permit must be obtained prior to the demolition or removal of a wind energy system.

(Ord. No. 29-2009, § 1, 5-5-2009)

[Sec.] 5855. - Utility grid energy systems.

Utility grid energy systems are prohibited within the city limits.

(Ord. No. 29-2009, § 1, 5-5-2009)