



RESEARCH MEMORANDUM

Executive Summary

Oklahoma generates [42% of its energy from wind production](#). Three of its neighbors – Kansas (46% of energy production), New Mexico (37%), and Texas (22%) – are also top-ranking wind energy states. Across the 15 Southern states in the CSG South region, Oklahoma utilizes wind energy far more than any other state. The next top states are Texas (22%), Missouri (8.5%), West Virginia (2.5%), and North Carolina (0.4%), Tennessee (0.1%), and Virginia (0.1%); the other eight Southern states have essentially no wind production.

However, the way in which these states regulate siting issues related to commercial wind facilities does not correspond to the level of wind generation in each respective state. For example, West Virginia is the only state of the 17 to regulate wind facilities entirely at the state level (though this is because West Virginia regulates *all* power-generating facilities in this manner).

Among these states, the most common approach is either 1) allow regulations to be handled at the local level (counties and municipalities) or 2) require some form of state oversight, usually for cases in which the power production is more than a set number of MWs.

The most common requirements among regulations are:

- Setbacks
- Noise
- Height Restrictions

This policy research memo gives an overview of states' approach (local oversight vs. state oversight vs. a combination of both), as well as the requirements set out in counties within the 17 states discussed.

Research Methods

A review of wind facility regulations, laws, and ordinances from the Department of Energy

Findings and Analysis

Below is a breakdown that includes all 15 Southern states in CSG South's region, along with Kansas and New Mexico.

State	Regulating Authority
Alabama	Local (i.e. no state-wide regulations)
Arkansas	None
Florida	<75MWs: Local ≥75MWs: Local, but with state-level review process
Georgia	Local
Kansas	Local



Kentucky	<10MWs: Local ≥10MWs: Local, but with state-level review process
Louisiana	Local
Mississippi	Local, but with state-level review process for all energy projects
Missouri	Local
New Mexico	<300MWs: Local ≥300MWs: Local, but with state-level review process that includes the power to preempt local regulations deemed by the New Mexico Public Regulation Commission to be unreasonably restrictive or not in the public interest (NM Stat § 62-9-3v)
North Carolina	<1MW: Local ≥1MW: Local, but with state-level review process
Oklahoma	Local and State Local: County and municipal governments may set permit criteria for wind facilities (Okla. Stat. tit. 19 § 863.24) State: Oklahoma Corporation Commission (OCC) can write rules for siting wind projects (Okla. Stat. tit. 17 § 160.22) and has imposed minimum setbacks (Okla. Stat. tit. 17 § 160.20).
South Carolina	<75MWs: Local ≥75MWs: State, but with consideration given to local siting laws and includes the power to preempt local regulations (SC Code § 58-33-110)
Tennessee	<1MW and <200ft: Local ≥1MW and or ≥200ft: Local, but with state-level review process
Texas	Local
Virginia	<5MWs: Local ≥5MWs: Local, but with state-level review process
West Virginia	State, though no minimum setback requirements are codified

Source: [U.S. Department of Energy \(June 2024\)](#)

Counties with Wind Generation Ordinances

Source for all states: [U.S. Department of Energy's WINDEXchange database](#)

Alabama

County	Law	Requirements
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Cherokee	Ala. Code § 45-10-260.05	Setbacks & Noise Requirements
DeKalb	Ala. Code § 45-25-260.05	
Baldwin	Ala. Code § 45-28-260.05	

Arkansas

None

Florida

County	Law	Requirements
Bay	Bay County Code § 3506(2)	Setbacks and Minimum clearance
Hillsborough	Hillsborough County Code § 6.11.118(F)	Setbacks, Max Height Restrictions, and Noise Levels
Osceola	Osceola County Code § 3.9(G)	Setbacks, Max Height Restrictions, and Noise Levels
Palm Beach	Palm Beach County Code 4.7(A)(9)	<i>Not available</i>
Pinellas	Pinellas County Code § 138-3326	Setbacks and Noise Levels

Georgia

County	Law	Requirements
Burke	Burke County Code of Ordinances § 26-4.03.26	Setbacks and Noise Levels

Kansas

County	Law	Requirements
Barton	Barton County Zoning Regulations Art VIII - WECS	Height, Noise, Setback
Coffey	Coffey County Zoning Regulations	Height, Setback
Crawford	Crawford County Zoning Art. 16	Height, Setback
Doniphan	Doniphan County Zoning Regulations Art. 14 WECS	Height, Noise, Setback
Douglas	Douglas County Zoning & Planning 12-306-44.05	Height, Setback
Finney	Finney County Zoning Regulations	Height, Noise, Setback
Franklin	Franklin County Zoning Regulations Sec. 3-3	Height, Noise, Setback



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Geary	Geary County Zoning Regulations	Height, Setback
Harper	Harper County Wind Energy Ordinance	Height, Noise, Setback
Harvey	Harvery County Zoning Regulations Sec. 16.14 CREP	Height, Noise, Setback
Jefferson	Jefferson County Zoning Regulations	Height, Setback
Kearny	Kearny County Zoning Ordinance	Height, Setback
Lyon	Lyon County Wind Energy Ordinance Art. 8 Sec. 808	Height, Setback
Marion	Marion County Zoning Art. 27 WECS	Height, Noise, Setback
Meade	Meade Ordinance # 32 WECS	Setback
Miami	Miami County Wind Energy Ordinance Art. 14 Sec. 14-2(9)	Noise, Setback
Osage	Osage County Wind Energy Ordinance Sec 11-102(5)	Height, Setback
Pawnee	Pawnee County Wind Energy Ordinance Art 36	Height, Setback
Pratt	Pratt County Commercial Wind Energy Project Criteria and Conditions	Height, Noise, Setback
Reno	Reno County Zoning Ordinance Art. 23 CWECS Regulations	Height, Noise, Setback
Riley	Riley County Zoning Sec. 22 - WECS	Noise, Setback
Rush	Rush County Zoning Art. 35	Height, Setback
Russell	Russell County Zoning Code	Noise
Seward	Seward County Zoning Art. 27	Height, Setback
Sumner	Sumner County Wind Energy Ordinance	Height, Setback

Kentucky
None

Louisiana
None

Mississippi
None

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Missouri

County	Law	Requirements
Boone	Boone County Wind Energy Ord. § 29.8.4.11 Boone County Wind Energy Ord. § 29.8.6	Noise, Setback
Schuyler	Schuyler County Planning & Zoning Regs. § 600.7	Height

New Mexico

County	Law	Requirements
Lincoln	Lincoln County Ord. 2017-4 § 8(B)	Height, Noise, Setback
San Miguel	San Miguel County Ord. 02-08-2011 §	Height, Setback
Santa Fe	Santa Fe Land Use Code § 10.16.5.2	Height, Noise, Setback
Taos	Taos County Land Use Regs. § 4.12.4(A)(1) Taos County Land Use Regs. § 4.12.4(A)(7)	Height, Setback

North Carolina

County	Law	Requirements
Ashe	Ashe County Code Ords. § 163.21	Noise, Setback
Brunswick	Brunswick County Code Ords. § 5.3(R)	Noise, Setback
Camden	Camden County Unified Dev. Ord. § 4.4.5(D)(2)	Height, Noise, Setback
Carteret	Carteret County Code Ords. Appdx. F § 3.2.14 Carteret County Code Ords. Appdx. F § 3.3	Height, Noise, Setback
Chowan	Chowan County Code Ords. § 8.109	Noise, Setback
Craven	Craven County Code Ords. § 41-268 Craven County Code Ords. § 41-269	Noise, Setback
Davidson	Davidson County Zoning Ord. § 5.08(00)	Noise
Edgecombe	Edgecombe County Unified Dev. Ord. § 4.3.112	Noise, Setback
Gates	Gates County Code Ords. § 155(18)	Height, Noise, Setback



Hyde	Hyde County Code Ords. § 16-48	Height, Noise, Setback
Iredell	Iredell County Land Use Code § 3-R63	Height, Noise, Setback
Madison	Madison County Land Use Ord. § 8.8.2 Madison County Land Use Ord. § 8.8.3	Height, Noise, Setback
Onslow	Onslow County Zoning Ord. § 9.13(N)(5)	Setback
Pamlico	Pamlico County Wind Energy Ord. § 1.4	Setback
Pamlico	Pamlico County Wind Energy Ord. § 1.6	Noise
Pasquotank	Pasquotank County Zoning Ord. § 9.03-29	Height, Noise, Setback
Perquimans	Perquimans County Zoning Ord. § 911.33	Height, Noise, Setback
Stanly	Stanly County Zoning Ord. § 808	Height, Setback
Surry	Surry County Zoning Ord. § 8	Noise, Setback
Tyrrell	Tyrrell County Wind Energy Ord. § 4 Tyrrell County Wind Energy Ord. § 5	Height, Noise, Setback

Oklahoma

County	Law	Requirements
Canadian	El Reno Code § 361-30(E)	Height, Setback
Canadian	Yukon Code Ords. § 204-173(a)	Noise, Setback

South Carolina

County	Law	Requirements
Georgetown	23-3 utility scale wind energy systems	Height, Setback
Darlington	Darlington County Ord. 16-19	Noise, Setback

Tennessee

County	Law	Requirements
Jefferson	Jefferson County Zoning Resolution § 7.10	Setback
Shelby	Shelby County Unified Dev. Code § 2.62(J)	Noise, Setback



Texas

County	Law	Requirements
Burleson (City)	Burleson Zoning Sec. 11-5 Wind energy system	Noise, Setback
Kingsville (City)	Kingsville Zoning Sec. 15-6-198	Noise, Setback
Ovilla (city)	Ovilla City Code Ords. § 42.4	Noise

Virginia

County	Law	Requirements
Washington	art XIV alternative energy systems	Height, Noise, Setback
Augusta	Augusta County Code § 25-69.5(D)	Height, Noise, Setback
Grayson	Grayson County Zoning Ord. § 3-14	Setback
Nottoway	Nottoway Zoning Ord. § 1-19-6	Setback
Page	Page County Zoning Ord. § 125-30.8	Height, Noise
Patrick	Patrick County Tall Structures Ord.	Setback
Rockingham	sec. 17-607	Height, Noise, Setback
Warren	Sec 180-59-1 wind energy systems	Height, Noise, Setback
Botetourt	Sec. 25-446. - Wind energy systems.	Height, Noise, Setback
Roanoke	Sec. 30-87-7. - Wind Energy System, Large; and Wind Energy System, Utility	Height, Noise, Setback
Bland	Sec. 62-135. - Specific use conditions for wind energy facilities.	Height, Setback
Shenandoah	Shanendoah County Zoning Ord. § 165-167 Shanendoah County Zoning Ord. § 165-168	Noise, Setback
Pulaski	unified development ordinance 14. Wind Turbines-Large, Medium, and Small	Noise, Setback
Wise	Wise County Zoning Ord. § 4-1.2(29)	Height, Noise

West Virginia



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None

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