ORDINANCE NO. 06-10 ~~09~~

AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF CUSTAR TO INCORPORATE PROVISIONS AUTHORIZING THE PLACEMENT OF WIND TURBINES AND OTHER TOWER STRUCTURES IN THE VILLAGE OF CUSTAR.

WHEREAS, the many communities have determined that it is necessary to adopt regulations designed to control the placement of wind turbine generators, sometimes referred to herein as "WTG" and other tower structures because of the height of said towers, which could cause substantial property damage or injury to persons should a tower unexpectedly fall because of external forces, such as severe weather, or because of faulty construction or erection; and

WHEREAS, the Village of Custar has determined that it would be in the best interests of its citizens to establish regulations controlling the placement of said WTG towers and other tower type structures in the Village of Custar.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CUSTAR, WOOD COUNTY, OHIO:

SECTION I. That Article V, of the Village of Custar Zoning Ordinance be amended as follows:

Article V:

Lot and floor area requirements shall be re-designated: "Article V, Part A, Lot and Floor Area Requirements: The remaining provisions under "Lot Floor and Area Requirements" remain unchanged.

The following provisions are added to Article V of the Zoning Code, to wit:

"Article V, Part B

"Wind Turbine Generators ['WTG'] and Other Tower Structures".

Section 1: Purpose.

The purpose of this amendment to the Village Zoning Code is to establish general guidelines for the location of wind turbine generators (sometimes referred to herein as 'WTG') and anemometers towers, radio towers, television towers, communications towers and other similar tower structures in the Village of Custar, Ohio ["the Village"] (hereafter referred to collectively as'WTG units' or 'tower type structures'). This amendment is consistent with the primary purpose of the Village Zoning Code which is to protect the public heath, safety, comfort and general welfare of the Village residents. The Village recognizes in some specific instances, under carefully controlled circumstances, that it may be in the public interests to permit the placement of WTGs and similar tower type structures in certain areas of the Village. The Village also recognizes the need to protect the scenic beauty of the Village, and the need to prevent unnecessary and unreasonable visual interference, and noise radiation, and to further protect the residents of the Village from adverse health, safety, welfare and aesthetic impacts. As such this amendment seeks to:

a.) Protect residential areas from potential adverse impact of WTG and similar tower type structures;

b.) Permit WTG and similar tower type structures in selected areas by on-site residential, commercial or industrial users, subject to the terms, conditions and provisions of this Zoning Ordinance.

c.) Insure the public health, welfare and safety of the Village residents in connection

with the erection and maintenance of WTG and similar tower type structures; and

d.) Avoid potential damage to real and personal property from the WTG and similar tower type structures or the failure of such structures and related operations.

Section 2: Definitions:

For purposes of the regulation of residential, commercial and industrial use of WTG, anemometers and similar tower type structures the following terms are defined:

Accessory Structure: Structures such as a shed, storage shed, pool house, unattached garage, and barn.

Anemometer: An instrument that measures the force and direction of the wind.

Clear Fall Zone: An area surrounding the WTG unit, anemometer or similar tower type structure into which said structure or any of its components might fall due to structural failure, that shall remain unobstructed and confined within the property lines of the primary parcel where the tower structure is located. The purpose being that if the tower structure should fall or otherwise become damaged, the falling structure will be confined to the primary parcel, and will not fall onto dwellings or any inhabited building, and will not intrude onto a neighboring property.

Cowling: A streamlined removable metal cover that protects the WTG turbine's nacelle.

Decibel. A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sounds that cause pain.

Nacelle: A separate streamlined metal enclosure that covers the essential mechanical components of the WTG turbine.

Primary Structure: For each property the building or structure that one or more persons occupy the majority of the time on that property for either business or personal reasons. Primary structures include structures such as a residence, a commercial buildings, hospitals, schools and daycare facilities, etc. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

Tower type structures: Ham radio, radio, television, communication and other tower structures that exceeds the height of any building located on the same property or any building located within 150 feet of the tower on adjacent property, by 10 feet or more; which structure is attached to the ground at its base by being anchored to a concrete pad or base, or by burying an extension of the tower structure below grade.

Professional Engineer: A qualified person who is licensed as a professional engineer in the State of Ohio.

Wind Power Turbine Owner: The person or persons who own the WTG structure.

Wind Power Turbine Tower: The support structure to which the turbine and rotor are attached.

Wind Power Turbine Tower Height: The structure from the rotor blade at its highest point to the surface of the ground measured at the wind power generating facility foundation.

Wind Tower Generator or 'WTG": Includes the wind power turbine tower, the wind power turbine, the turbine rotor blades and all other support structures attached to the completed unit.

Section 3: Restrictions On Size And Placement Of WTG and Similar Tower Type Structures.

WTG and similar type tower structures shall be a *permitted use* in all districts under the following conditions:

a.) The maximum height of any such structure shall be 100 feet. For purposes of this particular zoning item, maximum height shall be considered the total height of the completed structure with all attachments including, in the case of a WTG, the turbine system, with the tower measured from the maximum vertical height of the turbine blades from ground level of the tower.

b.) Setbacks: The following shall apply in regard to setbacks. Any tower type structure erected on a parcel of land will need to establish a "clear fall zone" from all neighboring property lines, structures, as well as from any inhabited structures on the parcel intended for the turbine. The structure will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the structure is located, and would not strike any structures including the primary dwelling or any other inhabited structures.

c.) Maintenance: The tower type structure must be maintained in good working order. Structures that are taken out of service, are unused, or become inoperable for more than 24 months must be removed by the owner within thirty (30) days of a notice issued by the Village. Removal includes removal of all appurtenances, support, and other hardware associated with the existing tower and its support structure.

d.) Decibel Levels: WTG units shall operate within a decibel level reading of 50-70 decibels. This information shall be included in the engineering report described in Section g) 2. This information shall be obtained from the manufacturer of the WTG turbine and all decibel readings shall be taken from the nearest neighboring property.

e.) Wiring: All wires associated with transmission of power to or from a WTG shall be located underground.

f.) Permits: A permit shall be required before construction can commence on any WTG or tower type structure system.

g.) To obtain a permit Applicant shall provide the Village Zoning Inspector with the following items and/or information:

"1.) The location of all public and private airports, or landing strips within one-half mile of the location of the proposed structure.

2.) In the case of a WTG, an engineering report signed and sealed by a professional engineer that shows:

a. The total size and height of the unit

b. The total size and depth on the unit's concrete mounting pad, as well as soil and bedrock data.

3.) In the case of tower type structure other then a WTG unit, the manufacturer's written specifications detailing the total size and height of the proposed unit, detailing all mounting, installation and structural

support requirements.

4.) A scale drawing of the parcel upon which the proposed unit is to be placed, which drawing shall show the specific location of the unit's base, support structure or mounting pad in relation to all property lot lines and structures on said lot as well as any structures on adjoining lots that are estimated to be within 20 feet of the clear free fall zone or clear fall zone for said unit.

SECTION II. This ordinance shall go into force and effect at the earliest time allowed by law.

PASSED: _____
President of Council

ATTEST: _____
Clerk

APPROVED: _____
Date

_____
Mayor

CHESTER H. MARCIN
VILLAGE LEGAL COUNSEL