ORDINANCE NO. 2023-54
Introduced by Mark Claus

AN ORDINANCE AMENDING CHAPTER 1126 (SPECIAL PROVISIONS) OF THE CODIFIED ORDINANCE OF HURON, OHIO TO ESTABLISH A NEW SECTIONS 1126.19 (WIND ENERGY).

WHEREAS, the Council hereby determined the changes and amendment set forth within this Ordinance, including Exhibit "A", are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Chapter Chapter 1126 (Special Provisions) is hereby amended to add new Section 1126.19, as follows:

"1126.19 WIND ENERGY

(a) Purpose. The purpose of subsection (f)(6) hereof is to preserve and protect the public health and safety and to promote the orderly land use and development in the City of Huron by the implementation of standards and procedures by which the installation and operation of Wind Energy Conversion Systems (WECS) (wind turbines) shall be governed as a conditional use in any zoning district of the City.

(b) Definitions.

(1) A wind energy conversion system (WECS) includes any or all of the following components:

A. A turbine with propeller type blades;
B. A vertical rotor;
C. Other means of capturing the energy of the moving air;
D. A tower or a mounting structure;
E. An electrical power generator with associated electrical power transmission circuitry;
F. A battery or other means of storing energy;
G. Other means of transmitting energy (hydraulic, mechanical, etc.);
H. Mechanical control mechanisms;
I. Electrical/electronic/computer circuitry;
J. A foundation;
K. Enclosures.

(2) Total height means the distance measured from ground level to the blade extended at its highest point or to the top of the tower, whichever is the highest.

(3) Small wind energy conversion system means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which will be used primarily to reduce on-site consumption of electrical power.

(4) Windmill rotor means that portion of the windmill which includes the blades, hub and shaft.

(5) Windmill tower means the supporting structure on which the rotor, turbine and accessory equipment are mounted.

(6) Commercial wind energy conversion system means a wind energy conversion system

consisting of more than one wind turbine and tower, and a wind energy conversion system which will be used primarily for off-site consumption of electrical power.

(7) Wind turbine means a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator or rotor; and includes the turbine, rotor, blade, tower, base and pad transformer (if any) in addition to the wind energy conversion systems designed to mount directly on the roof of existing buildings including residences.

(8) Applicant means the person or entity filing an application for a conditional use permit under this subsection (f)(6).

(c) Applicability.

(1) This subsection is applicable to all Wind Energy Conversion Systems (WECS), small and commercial; and Wind Turbines as defined in this section which are proposed to be constructed or located after the effective date of this section.

(2) Wind Energy Conversion Systems and Wind Turbines constructed or located prior to the effective date of this subsection shall not be required to meet the provisions of this subsection provided that any physical modification to such pre-existing Wind Energy Conversion System (WECS) or Wind Turbine that materially alters the size, type and number of any such WECS or Wind Turbine shall require compliance with this subsection. If any preexisting WECS or Wind Turbine is destroyed or damaged to the extent of more than 50 percent of its fair market value at the time of destruction or damage, it shall not be reconstructed except in conformity with this section.

(d) Permit Requirement.

(1) No Wind Energy Conversion System, small or commercial, or Wind Turbine shall be constructed or located within the City of Huron unless a conditional use permit has been issued to the applicant.

(2) The conditional use permit application shall be made in compliance with this subsection and be accompanied with a fee for appearances before the Board of Building and Zoning Appeals.

(3) Any physical modification to an existing and permitted Wind Energy Conversion System or Wind Turbine that materially alters the size, type and number of such WECS shall require a permit modification under this subsection. Like-kind replacements shall not require a permit modification.

(4) An applicant who proposes to construct or locate a Wind Turbine, as defined in this subsection, on the roof of an existing structure shall be required to apply for a conditional use permit and request a variance from the Board of Building and Zoning Appeals.

(e) Small Wind Energy Conversion System Requirements.

(1) Permitted Locations. A small wind energy conversion system is permitted in any zoning district.

(2) Setbacks; Property lines. A small wind energy conversion system or tower shall be set back

from the nearest property line, public road right-of-way and communication and electrical line not less than 1.0 times its total height.

(3) Design Standards.

A. Monopole or Freestanding Design. The design of the small wind energy conversion system or tower shall be of a monopole or freestanding design without guy wires.

B. Minimum Blade Height. The minimum height of the lowest extent of a turbine blade shall be 30 feet above the ground or 30 feet above any structure or obstacle within 50 feet of the tower.

C. Access. No tower shall have a climbing apparatus within 15 feet of the ground. All access doors or access ways to towers and electrical equipment shall be able to be locked.

D. Noise. No small wind energy conversion system shall generate sounds exceeding 60 dBA as measured at 100 feet from the tower. Noise generated from any small WECS shall also comply with existing City noise ordinance.

E. Visual Appearance. Small wind energy conversion or tower systems shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. No small wind energy conversion system or tower shall be lighted unless required by the FAA. No flags, streamers, decorations, advertising signs of any kind or nature whatsoever shall be permitted on any small wind energy conversion system and/or tower.

F. Electrical Interconnections. All electrical interconnection or distribution lines shall be underground and comply with all applicable codes and public utility requirements.

G. Signal Interference. Efforts shall be made to site small wind energy conversion systems, or towers, to reduce that likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the small wind energy conversion system or tower owner and individual receiving interference shall make reasonable efforts to resolve the problem. No small wind energy conversion system or tower shall cause permanent and material interference with television or other communication signals.

(f) Permit Applications. Application for a small wind energy conversion system and/or tower shall include the following information:

(1) Site plan to scale showing the location of the proposed small wind energy conversion system and/or tower and the locations of all existing buildings, structures and property lines, along with distances; and,

(2) Elevations of the site to scale showing the height, design and configuration of the small wind energy conversion system and the height and distance to all existing structures, buildings, electrical lines and property lines; and

(3) Standard drawings and an engineering analysis of the systems tower, including weight capacity; and,

(4) A standard foundation and anchor design along with soil conditions and specifications for

the soil conditions at the site; and,

(5) Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the system; including, the name and address of the manufacturer, model and serial number; and,

(6) Emergency and normal shutdown procedures; and,

(7) A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes; and,

(8) Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator; unless, the system will not be connected to the electricity grid.

(g) Commercial Wind Energy Conversion System Requirements.

(1) Permissible Locations. A commercial wind energy conversion system may be permitted as a conditional use (special exception) in all commercial and/or Industrial Districts.

(2) Setbacks.

A. Property lines. A commercial wind energy conversion system shall be set back from the nearest property line and public road right-of-way not less than 1.0 times the total height of installation.

B. Other Uses. No commercial wind energy conversion system shall be located within 1,000 feet of a platted subdivision, park, church, school or playground.

C. Inhabited Structures. A commercial wind energy conversion system shall be set back from the nearest inhabited building, power line or communication line, not less than 1.0 times its total height.

(3) Design Standards. A commercial wind energy conversion system shall comply with the design standards set forth for small wind energy conversion systems in this section.

(4) Permit Applications. A commercial wind energy conversion system shall comply with the permit application requirements set forth for small wind energy conversion systems in this section.

(5) Commercial Wind Energy Conversion Systems shall not be permitted without approval by the Planning Commission .

(h) Non-Use.

(1) Any small wind energy conversion system, commercial wind energy conversion system or tower which complies with the terms of this section which is not used for two (2) years, excluding repairs, shall be removed within six (6) months most closely following the two (2) year period. Failure to remove the system shall be deemed a violation of this subsection.

(2) Any small wind energy conversion system or commercial wind energy conversion system which is non-conforming and which is not used for one (1) year, excluding repairs, shall

be removed within six (6) months most closely following the one (1) year period. Failure to remove the system shall be deemed a violation of this subsection."

and shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and it is imperative this Ordinance be effective immediately, **WHEREFORE**, this Ordinance shall be in full force and effect from and immediately after its adoption.

Mark Claus, Vice-Mayor

ATTEST: Jerri Welkener
Clerk of Council

ADOPTED: 23 JAN 2024