

SECTION – 33 – ALTERNATIVE ENERGIES

(Adopted 4/12/2010 --Effective 5/12/2010) (Revised 4/1/22) (revised 11/07/2022)

33.01 ALTERNATIVE ENERGIES

33.02 A zoning permit or accessory use zoning permit shall be required for any alternative energy system constructed in any district so stated in this resolution.

33.03 A site plan shall be required to be filed with an application for zoning permit for this use. A decommissioning plan will be required to be submitted.

33.04 Alternative Energy systems shall comply with the following requirements:

A. Permitted uses for all alternative energy systems:

1. Requirements for a small wind farm:

- a. The definition of a small wind farm is provided by Ohio Revised Code Section 519.213.
- b. Each wind tower shall be set back a distance equal to 1.1 times its total height from:
 1. Any public right-of-way
 2. Any overhead utility lines
 3. All property lines
- c. The tower will have a total height of 150 feet or less
- d. The tower shall be designed and installed so as to prohibit climbing rungs from a level measured 10 feet from the finished grade and installed but not to exceed the manufactured specifications
- e. All towers will be constructed as a single piece tower placed on a concrete pad according to manufacturer's recommendations. The tower and its instruments shall be designed and constructed so as to not cause radio and/or television interference to adjacent properties
- f. No part of the system, including guy wire anchors, may extend closer than twenty (20) feet to any property line and the right-of-way line.
- g. All intra-project power lines and transmission lines leading up to the project shall be underground and meet all local, state and federal regulations.
- h. A small wind farm shall comply with all applicable building and electrical codes.
- i. Small wind energy systems shall not exceed sixty (60) dB, as measured at the closest neighboring inhabited dwelling.
- j. Signs attached to any part of the wind farm structure are prohibited, except for:
 1. Appropriate warning signs to address voltage such as "Danger-High Voltage" or "Caution-Electrical Shock Hazard" shall be posted to the sides of the tower.

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2. Owner identification of wind towers, building or other structure associated with the farm and shall be in accordance with this resolution.
- k. The color of wind energy systems shall only be in neutral colors. Logos or other identification markings, other than those of the manufacturer, shall not be permitted anywhere on the turbine.
- l. Small wind farms shall not be built on vacant lots.
- m. Light standards: Light from the structure shall not trespass onto neighboring properties.
- n. Maintenance:
 1. Wind turbines must be maintained in good working order. The manufacturer's records for preventive maintenance will apply and shall be available to Leroy Township officials on request.
 2. The owner shall provide written notice of abandonment to the Zoning Inspector within 30 days of permanently ceasing operation of a wind turbine.
 3. A wind turbine is considered abandoned when it ceases transmission for thirty (30) consecutive days.
 4. An unused wind turbine or small wind turbine may stand no longer than nine (9) months following abandonment.
 5. All costs associated with the demolition of the wind turbine tower and associated equipment shall be borne by the owner.
 6. Wind turbines that become inoperable for more than nine (9) months must be removed by the owner within thirty (30) days of issuance of a zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.
2. Permits for a small wind farm:
 - a. A zoning permit shall be required before construction may commence.
 - b. Projects to install wind turbines are subject to approval of a Site Plan Review prior to the application for a permit.
 - c. The applicant shall then provide the Zoning Inspector with the following items or information when applying for a permit:
 - i. Location and elevation of public and private airports in relation to the location and elevation of the wind turbine.

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- ii. A signed and sealed engineering report that shows:
 - 1. The total size and height of the unit.
 - 2. If applicable the total size and depth of the unit's foundation structure as well as soil and bedrock data that meet minimum standards as specified by the manufacturers and local engineering standards.
 - 3. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, lightning protection, braking systems, and anchors.
 - 4. Data specifying the kilowatt size and generating capacity in kilowatts of the unit.
 - 5. The maximum decibel level of the turbine unit as obtained from the manufacturer.
 - 6. Hazardous material containment and disposal plan.
 - 7. A copy of the site plan shall be included in the engineering report.
 - 8. Evidence of an established setbacks of 1.1 times the height of the wind turbine and "clear fall zone" shall be shown on the site drawings.
 - 9. Color of the unit as well as location and size of the manufacturer's identifying logos shall be included in the report.
 - 10. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.
 - d. Any lighting plan submitted will be considered based upon its appropriateness within safety guidelines, compliance with FAA requirements and appropriate demonstration that any such lighting will not constitute a light nuisance across property lines.
 - e. As part of the permit process, the applicant shall demonstrate compliance with any federal, state and local restrictions applicable to wind energy apparatus and any towers associated with such apparatus.
3. Requirements for Solar Panels or Arrays
- a. All ground and roof mounted solar panels shall be in accordance with all setbacks in this resolution. If roof-mounted solar panels are to be installed on a previously built structure that is deemed a legal nonconforming structure per Section 8 of the Zoning Regulation, the solar panel setback requirement is deemed to be met. (Effective 4/1/22)
 - b. All solar panel installations shall comply with all applicable building, plumbing and electrical codes and shall not exceed the manufacturers' recommendations.

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- c. All intra-project power lines and transmission lines leading up to project shall be underground.
 - d. Solar panels shall not exceed above the roof line more than three (3) feet and shall not exceed the height requirement for the zoning district in which the lot is located.
 - e. Solar panels or arrays shall not be installed on vacant lots.
 - f. Signs attached to any part of the solar panels or arrays are prohibited, except for, appropriate warning signs, owner's identification, building or other structure associated with the solar panels or arrays and shall be accordance with this resolution.
 - g. The number of solar panels or arrays installed shall not exceed the amount required to service the private use of subject property on which they are installed.
4. Any wind energy or solar panel system that will be interconnected with any utility companies power grid must provide evidence that utility company has been informed, approved and has meet all their service connections code requirements. Off-grid systems are exempt from this requirement.