

WIND TURBINE ZONING RESTRICTIONS

AMENDMENT TO LIBERTY TOWNSHIP ZONING¹

DEFINITIONS:

Accessory Structures: Any structure including, but not limited to: sheds, maintenance buildings, storage facilities, etc. that are used in conjunction with the wind turbine.

Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine and/or its components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition. This zone shall remain unobstructed and confined within property lines of the primary parcel where the turbine is located.

Nacelle: The enclosure located at the top of a wind turbine tower that houses the gearbox, generator and other related equipment.

Wind Turbine: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. This typically consists of a tower, nacelle body, power center and a rotor with two or more blades.

Wind Turbine Tower Height: The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation.

Section 1.1 SMALL WIND ENERGY SYSTEMS

It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

No person shall cause, allow or maintain the use of small wind energy system without first having obtained a zoning permit from the zoning inspector on forms provided. Fees collected with regard to this permit shall be set by resolution of the Board of Trustees.

All small wind energy systems shall meet the following requirements:

1. Primary purpose shall be to provide power for the principal and accessory uses of the property and not for the generation of power for commercial purposes.
2. Minimum lot size of 2 acres.
3. Minimum setback from all property lines, structures, and above ground utility lines shall be no less than 125 percent of the tower height.
4. Anchor points for guy wires for the tower shall be located no closer than 25 feet to the property lines and not on or across any above-ground electric transmission or distribution lines.
5. Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be 12 feet.
6. Blade color shall be white or light gray.
7. Lighting of the tower for aircraft shall conform to Federal Aviation Administration standards for wattage and color, when applicable.
8. The tower shall have either:

¹ Adopted 12-1-2010 Effective 1-1-2011

- a. Tower climbing apparatus located no closer than 12 feet to the ground at the base of the structure;
 - b. A locked anti-climb device installed on the tower; or
 - c. Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.
9. A sign shall be posted at the base of the tower warning of electrical shock or high voltage.
10. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
11. All small wind energy systems shall be installed, operated and maintained per the manufacturers' instructions, including compliance with Ohio EPA regulations regarding storage and disposal of the batteries and other hazardous materials.
12. No variance shall be issued for the placement of a small wind energy system so close to a property line that it may result in allowing any portion of the system to overhang, cross, or otherwise extend beyond the property line at any time, whether erect or in the event the system should fall or be toppled.
13. As part of the permit process, the applicant shall inquire with the County Building/Regional Planning Regulations Commission as to whether or not additional height restrictions are applicable due to the unit's location in relation proximity to any local airports.
14. Decommissioning and Restoration: Any small wind energy system which has reached the end of its useful life or has been abandoned shall be removed. The system shall be considered abandoned when it fails to operate for one year. The owner shall, within 30 days of permanently ceasing operation of the WPGF, provide written notice of abandonment to the Zoning Inspector. The applicant shall include the following information regarding decommissioning of the project and restoring the site when submitting the application:
 - a. The anticipated life of the project;
 - b. The estimated decommissioning costs in current dollars;
 - c. The method and schedule for updating the costs of decommissioning and restoration;
 - d. The method of ensuring funds will be available for the decommissioning and restoration, and;
 - e. The anticipated manner in which the project will be decommissioned and the site restored;
15. Site Plan requirements shall include, but not limited to:
 - a. Property lines and physical dimensions of the site.
 - b. Location of small wind energy system tower, guy wires, setbacks from property lines, above-and under-ground utility lines, easements and any structures on the property. Also show location of sewage treatment systems.
 - c. Location of signage.
 - d. Elevation of the proposed small wind energy system tower.
 - e. Location of trees within a 100-ft. radius of the proposed system.
 - f. Manufacturer's specifications, including make, model, and picture.
 - g. Scaled drawing no smaller than 1"=100'.

Section 1.2 Small wind energy system zoning requirements run with the property

After the date of adoption of this Article, its requirements, including decommissioning and restoration shall be binding upon the owner of the property where a permit has been issued for siting a small wind energy system. These requirements apply for the life of the original wind turbine and all replacements thereof.

The application for a small wind energy system zoning permit shall include language that this agreement is a covenant that will run with the property, and that it shall be binding upon all subsequent owners. The application shall include a signed and notarized statement recognizing that the application becomes a restrictive covenant on the property, and the application shall be recorded with the deed of the affected property at the Knox County Recorder's Office.