

1123.05 SETBACKS.

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

1123.05 SETBACKS.

CHAPTER 1123 Wind Energy Systems

CHAPTER 1123

Wind Energy Systems

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1123.01 PURPOSE.

This chapter is adopted in order to provide for, and to promote, the development of alternative energy sources; specifically, the construction and operation of wind energy facilities in the City including Sheffield Lake's jurisdictional limit two miles into Lake Erie, subject to reasonable conditions that will protect the public health, safety and welfare.

(Ord. 26-22. Passed 4-26-22.)

1123.02 APPLICABILITY.

(a) No person shall construct, erect, maintain, extend or remove a wind energy facility in the City, including the territory extending into Lake Erie to the distance of two miles from the natural shore line without compliance with the provisions of this chapter.

(b) Wind energy facilities constructed prior to the effective date of this code shall not be required to meet the requirements of this code; provided that any physical modification to an existing wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall require a conditional use approval from the Planning Commission.

(Ord. 26-22. Passed 4-26-22.)

1123.03 CONDITIONAL USE PERMIT.

(a) A wind energy facility may only be permitted if approved as a conditional use pursuant to Section 1105.03: Conditional Uses. The Planning Commission may approve such use provided the applicant demonstrates compliance with the requirements of this chapter and with the review criteria that apply to all conditional uses.

(b) Nothing contained herein shall limit the authority of the Planning Commission to deny an application for a wind energy conditional use permit should the Planning Commission determine that the proposed project would be inconsistent with the objectives of the zoning district in which the wind turbine is located.

(c) Any physical modification to an existing conditionally permitted wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall also require conditional use approval by the Planning Commission. Maintenance and like-for-like replacements, as determined by the Zoning Inspector, shall not require review by the Planning Commission. (Ord. 26-22. Passed 4-26-22.)

1123.04 DESIGN AND INSTALLATION.

(a) The design of the wind energy facility shall conform to applicable industry standards.

(b) All wind energy facilities shall be equipped with a redundant braking system.

(c) All electrical components of the wind energy facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

(d) Visual Appearance.

(1) Wind turbines shall be a non-obtrusive color such as white, off-white or gray.

(2) Wind energy facilities located in a residential district shall not be artificially illuminated, except to the extent required by the federal Aviation Administration or other applicable authority that regulates air safety.

(3) Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner and operator and shall comply with Chapter 1119: Signs.

(e) On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.

(f) Warnings.

(1) Clearly visible warning signs concerning voltage must be placed at the base of all

transformers and substations.

(2) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.

(g) Climb Prevention/Locks.

(1) Wind turbines shall not be climbable up to fifteen (15) feet above ground surface.

(2) All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate to prevent entry by non-authorized persons.

(h) Maintenance.

(1) The owner of a wind turbine shall properly maintain the turbine in accordance with Chapter 1395 et seq - Real Property Code.

(2) The Sheffield Lake Building Department shall conduct an annual inspection of any wind turbine to ensure compliance with all safety and maintenance requirements.

(Ord. 26-22. Passed 4-26-22.)

1123.05 SETBACKS.

(a) Occupied Buildings.

(1) Wind turbines shall be set back from the nearest occupied building, a distance of not less than the normal setback requirements in the applicable zoning district. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.

(2) Wind turbines shall be set back from the nearest occupied building located on a non-participating landowner's property a distance of not less than thirty (30) feet as measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.

(b) All wind turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification. The setback distance shall be measured to the center of the wind turbine base.

(c) All wind turbines shall be set back from the nearest public road a distance of not less than fifty (50) feet from the right-of way line of the nearest public road to the center of the wind turbine base.

(d) Waiver of Setbacks.

(1) Non-participating landowners may waive the setback requirements in subsection (a)(2) above and subsection (b) above by signing a waiver that sets forth the applicable setback provisions(s) and the proposed changes.

(2) The written waiver shall notify the property owner(s) of the setback requirement by this chapter, described how the proposed wind energy facility is not in compliance, and state that consent is granted for the wind energy facility to not be setback as required by this Chapter.

(3) Upon application, the City may waive the setback requirement for public road for good cause.

(Ord. 26-22. Passed 4-26-22.)

1123.06 HEIGHT RESTRICTIONS.

A wind energy facility may exceed the height limitation of the applicable zoning district. In the case of a wind turbine erected on the top of an existing building, the turbine shall only be allowed in the form of a height variance issued by the BZBA.

(Ord. 26-22. Passed 4-26-22.)

1123.07 NOISE.

(a) Audible sound from a wind energy facility shall not exceed limits set forth by Section 531.04 in the Sheffield Lake Codified Ordinances "Maximum Permissive Sound Levels".

(b) Non-participating landowners may waive the noise provisions of this chapter by signing a waiver of their rights.

(c) The written waiver shall notify the property owner(s) of the sound limits in this chapter, describe the impact on the property owner(s), and state that the consent is granted for the wind energy facility to not comply with the sound limit in this chapter.

(Ord. 26-22. Passed 4-26-22.)

1123.08 LIABILITY INSURANCE.

The owner of the wind energy system shall maintain a current general liability policy covering bodily injury and property damage with limits of at least three hundred thousand dollars (\$300,000) per occurrence and five hundred thousand dollars (\$500,000) in the aggregate. Certificates shall be made available to the City upon request. The Planning Commission may require additional policy limits depending upon the size of the proposed project.

(Ord. 26-22. Passed 4-26-22.)

1123.09 DECOMMISSIONING.

(a) The facility owner and operator shall, at its own expense, complete decommissioning of the wind energy facility, or individual wind turbines, within twelve (12) months after the end of the useful life of the facility or individual wind turbines.

(b) The wind energy facility or individual wind turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

(c) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.

(d) Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

(e) If the facility owner or operator fails to complete decommissioning within the period prescribed by subsection (a) above, then the landowner shall have six (6) months to complete decommissioning.

(f) If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed by subsection (a) and (e) above, then the City may take such measures as necessary to complete decommissioning. The landowner shall reimburse to the City all costs associated with the City's decommissioning of a wind energy facility. Said costs may be certified to the county auditor as a lien upon the property should the landowner fail to reimburse the City.

(Ord. 26-22. Passed 4-26-22.)

1123.10 PUBLIC INQUIRIES AND COMPLAINT REMEDIES.

The facility owner and operator shall maintain a telephone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

(Ord. 26-22. Passed 4-26-22.)

1123.11 REMEDIES.

(a) It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of this chapter, or any permit issued under this chapter, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of this chapter or any permit issued under this chapter.

(b) If the city determines that a violation of this chapter or the permit has occurred, the City shall provide written notice to any person, firm, or corporation alleged to be in violation of this chapter or permit. If the alleged violation does not pose an immediate threat to public health or safety, the City and the parties shall engage in good faith negotiations to resolve the alleged

violation. Such negotiations shall be conducted within thirty (30) days of the notice of violation.

(c) If after thirty (30) days from the date of the notice of violation the City determines, in its discretion, that the parties have not resolved the alleged violation, the City may institute civil enforcement proceedings or any other remedy at law to ensure compliance with this chapter or permit. (Ord. 26-22. Passed 4-26-22.)

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- ORDINANCE NO. 116-84
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