

PERKINS TOWNSHIP ZONING COMMISSION MEETING

Held By: Perkins Township Zoning Commission
Place: Perkins Township Complex, 5420 Milan Road
Date: June 8th, 2009
Time: 7:00 P.M.
Appl.# ZC2009-0001, Case #272 continuation

Board Members Present: Jerry Baumgardner, Chairperson
Kula Hoty Lynch
Cheryl Best-Wilke
Matthew Lesch
James Lamb, Clerk

Board Members Absent: Will Spence

Mr. Baumgardner opened the public hearing and asked Mr. Lamb to read the proposal.

Mr. Lamb stated that the Perkins Township Trustees had passed a resolution requesting the Perkins Township Zoning Commission amend the Perkins Township Zoning Resolution by adding regulations for Wind Energy Conversion Systems. Mr. Lamb stated that there has been some interest in developing and building Wind Energy Conversion System and that at the present the only reference made to them in the Zoning Resolution is that they are to be allowed as an accessory use. He stated that the Township Board of Appeals has issued a height variance for two locations in the Township.

Mr. Lamb presented to the Commission copies of the Article that is to be added to the Zoning Regulations.

The Commission had a general discussion on Wind Energy Conversion Systems and the proposed regulation.

Commission member Matt Lesch moved that the phrase, “**or electricity producing windmills**”, be deleted from Article 3.8 (accessory uses) of the Perkins Township Zoning resolution. Mrs. Cheryl Best-Wilke seconded the motion. Roll call vote: Mr. Lesch, yes; Mrs. Wilke, yes; Mr. Baumgardner, yes; Mrs. Lynch, yes. Motion passed.

Commission member Mrs. Cheryl Best-Wilke moved that the following definition for Wind Energy Conversion Systems be added to Article 3 of the Perkins Township Zoning Resolutions: “**Wind Energy Conversion Systems**”. “**A system converting wind energy into electrical energy. Wind Energy conversions must comply with Article**

26, Section 29". Mr. Matt Lesch seconded the motion. Roll call vote: Mrs. Wilke, yes; Mr. Lesch, yes; Mrs. Lynch, yes; Mr. Baumgardner, yes. Motion passed.

Mrs. Cheryl Best-Wilke moved to amend the Perkins Township Zoning Resolution and to add the following Section 29 to Article 26 "Wind Energy Conversions Systems" as a condition use:

WIND ENERGY CONVERSION SYSTEMS
CONDITIONAL USE
Article 26, Section 29

- A. Purpose.**
- B. Definitions.**
- C. Applicability.**
- D. Permit Requirement.**
- E. Small Wind Energy Conversion System Requirements.**
- F. Commercial Wind Energy Conversion System Requirements.**
- G. Non-Use.**

A. PURPOSE.

The purpose of this Section is to preserve and protect the public health and safety and to promote the orderly land use and development of Perkins Township 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 Township.

B. DEFINITIONS.

- (1) 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.
- (2) Small Wind Energy Conversion System means **one** wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics that will be used primarily to reduce on-site consumption of electrical power.
- (3) Wind Turbine Rotor means that portion of the windmill, which includes the blades, hub and shaft.
- (4) Wind Turbine Tower means the supporting structure on which the rotor, turbine and accessory equipment are mounted.
- (5) Commercial Wind Energy Conversion System means a wind energy conversion system consisting of more than one wind turbine and tower producing less than five megawatts, which will be used primarily for off-site consumption of electrical power.
- (6) 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, and includes wind energy conversion systems designed to mount directly on the roof of existing buildings including residences.

(7) Applicant means the person or entity filing an application for a conditional use permit under this Article.

C. APPLICABILITY.

(1) This Section applies to all Wind Energy Conversion Systems (WECS), and Wind Turbines small and commercial, as defined in this section to be constructed and located in Perkins Township 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 Section shall not be required to meet the provisions of this Section 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 Section. If any pre-existing WECS or Wind Turbine is destroyed or damaged to the extent of more than 50 percent of its fair market value as determined by a qualified engineer, 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 Perkins Township unless a conditional use permit, building permit and a zoning permit have been issued to the applicant.

(2) The conditional use permit application shall be made in compliance with this Section and be accompanied with the fee for appearances before the Board of 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 Section. Like-kind replacements shall not require a permit modification

(4) Wind Energy Conversion System and Wind Turbines, as defined in this Section, shall not be allowed on the roof of any single family homes. Roof mounted wind energy conversion system and wind turbines may be located on the roof of commercial or industrial buildings located in the C-1, C-2, I-1, I-2 and MA zoned district after receiving a conditional use permit issued by the Perkins Township Board of Zoning Appeals.

E. SMALL WIND ENERGY CONVERSION SYSTEM REQUIREMENTS.

(1) Permitted Locations. A small wind energy conversion system is permitted in any zoning district **on lots of at least one acre.**

(2) Minimum Lot Size. No small wind energy conversion system shall be erected on any lot less than one acre in size.

(3) Total Height. For property sizes between one and two acres, the total height of any tower shall not exceed 60 feet. For property sizes between two and

five acres, the total height shall not exceed 80 feet. For property sizes greater than five acres, the total height shall not exceed 100 feet.

(4) Location. No small wind energy conversion system shall be located in any front or side yard.

(5) Setbacks.

(a) 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.

(b) Inhabited Structures. A small wind energy conversion system or tower shall be set back from the nearest inhabited building not less than 1.0 times its total height unless the building is located on the same lot or parcel.

(6) 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 between a wind turbine blade and the ground at the blade's closest point to the ground shall be 30 feet or 30 feet above any structure or obstacle within 100 feet from 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 exceed 60 dBA as measured at the property line or 50 dBA as measured at the nearest neighboring inhabitable building. The applicant shall provide evidence to the Perkins Township Board of Appeals that their installation meets these requirements with the application for a conditional use permit. If it is determined subsequent to installation that the noise requirement is exceeded, use of the wind turbine shall be subject to a cease and desist order issued by the zoning inspector and in addition, the conditional use permit shall be subject to revocation.

(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 place small wind energy conversion systems or towers to reduce the 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. The granting of a conditional use permit for the wind turbine shall not constitute authorization or approval by Perkins Township for the signal interference nor relieve the applicant or permit holder from any liability to third parties for signal interference. All small wind energy conversion system or tower shall comply with all applicable federal laws.

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

- (a) 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
- (b) 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
- (c) Standard drawings and an engineering analysis of the systems tower, including weight capacity and maximum wind resistance design; and
- (d) A standard foundation and anchor design along with soil conditions and specifications for the soil conditions at the site; and
- (e) 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
- (f) Emergency and normal shutdown procedures; and
- (g) 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
- (h) Evidence that the provider of electrical service of the property has approved the interconnection of the electrical generator to their grid unless the system will not be connected to the electricity grid.

F. 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 any Commercial, Agricultural and/or Industrial District.

(2) Minimum Parcel Size: No commercial wind energy conversion system shall be erected on any parcel less than two (2) acres in size without being granted a variance.

(3) Total height: The total height of a commercial wind energy conversion system shall not exceed 200 feet above ground elevation.

(4) 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 1.5 times the height of installation.

(b) Other Uses. No commercial wind energy conversion system shall be located within 500 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 1.5 times its total height.

(5) Design Standards: A commercial wind energy conversion system shall comply with the design standards set forth for small wind energy conversion systems as set forth in these regulations.

(6) Permit application: A commercial wind energy conversion system shall comply with the permit application requirements set forth in these regulations for small wind energy conversion systems.

(7) Commercial Wind Energy Conversion Systems - shall not be permitted without approval of a site plan and the issuance of the Conditional Use permit by the Perkins Township Board of Zoning Appeals.

G. NON-USE.

- (1) Any small wind energy conversion system, commercial wind energy conversion system or tower for which a conditional use permit was issued pursuant to this subsection which is not used for one (1) year, excluding non-use during a time when repairs are being undertaken in a timely manner which cannot be completed within one (1) year, shall be removed within the following six (6) months. Failure to remove the system shall be deemed a violation of the Zoning Resolution.

- (2) Any small wind energy conversion system which is non-conforming and which is not used for one (1) years, excluding non-use during a time when repairs are being undertaken in a timely manner which cannot be completed within one (1) year, shall be removed within the following six (6) months. Failure to remove the system shall be deemed a violation of the Zoning Resolution.

H. PENALTIES:

Any violation of any provisions of this section will subject the applicant or permit holder to the issuance of a cease and desist order by the Zoning Inspector as well as subject the applicant or permit holder to revocation of the Conditional Use Permit by the Perkins Township Board of Zoning Appeals and any other applicable remedies as provided by law.

Mrs. Lynch seconded the motion. Roll call vote: Mrs. Wilke, yes; Mrs. Lynch, yes; Mr. Lesch, yes; Mr. Baumgardner, yes. Motion passed.

Other Business: Mr. Lesch moved to approve the minutes from the May meeting. Mrs. Lynch seconded the motion. Minutes approved.

The meeting was adjourned.

Jerry Baumgardner, Chairman

James C. Lamb, Secretary