

## **CHAPTER 1250**

### **Provisions Applicable to All Districts**

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- 1250.15 Wind turbines.
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- 1250.17 Storm drainage systems.
- 1250.18 Outdoor lighting.

#### ***CROSS REFERENCES***

Division of municipal corporation into zones - see Ohio R.C. 713.06

Restrictions on location, bulk and height of buildings and structures - see Ohio R.C. 713.07

Restrictions on height of buildings and structures - see Ohio R.C. 713.08

Restrictions on percentage of lot occupancy and setback building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings or structures - see Ohio R.C. 713.10

General provisions and definitions - see P. & Z. Ch. 1240.

Supplementary regulations - see P. & Z. Ch. 1282

#### **1250.01 USE, AREA, YARD AND HEIGHT REQUIREMENTS.**

After the effective date of this Zoning Code, and subject to the provisions of Section 1282.02, to the regulations applicable to the district in which a building, structure or lot is located and to all other applicable regulations of this Zoning Code:

(a) No building or structure shall be located, erected, constructed, reconstructed, enlarged or structurally altered except in conformity with the area, height and yard regulations of the district in which such building or structure is located.

(b) No building, structure or lot shall be used for any purpose other than that which is permitted in the district in which such building, structure or lot is located.

(c) No yard or other open space existing about any building or structure shall be reduced in area or dimension as to make it less than the minimum area or dimension required by this Zoning Code.

(d) No yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Zoning Code shall be considered as providing a yard or open space for any other building or structure, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building or structure on any other lot.

(e) No lot held under one ownership at the time of the effective date of this Zoning Code shall be reduced or subdivided in any manner below the minimum area and yard requirements provided of this Zoning Code.

(f) No lot shall be used to dismantle vehicles, nor shall vehicles unfit for highway operation be stored upon any lot unless they are stored within an enclosed building.

(Ord. 2002-45. Passed 8-22-02.)

#### **1250.02 REQUIRED STREET FRONTAGE.**

Each lot shall adjoin a public street.

(Ord. 2002-45. Passed 8-22-02.)

### **1250.03 MEASUREMENT OF YARDS.**

The depth and width of all yards shall be measured perpendicular or radial to lot lines.  
(Ord. 2002-45. Passed 8-22-02.)

### **1250.04 PERMITTED OBSTRUCTIONS IN YARDS.**

Unless otherwise specifically provided, the following shall not be considered as obstructions when located within any required yard in any district; and shall not require a permit:

- (a) Awnings and canopies, but cannot exceed existing building main floor roof gutter line or if main floor roof gutter line is non-existent, cannot exceed 10 feet in height from existing normal grade. If used for signage/advertising, shall require a sign permit;
- (b) Recreational and drying yard equipment;
- (c) Arbors and trellises, but cannot exceed existing building main floor roof gutter line;
- (d) Flag poles;
- (e) Survey monuments;
- (f) Antennae; but cannot exceed 40 feet in height
- (g) Satellite dishes;
- (h) Personal spa/hot tub;
- (i) Water features;
- (j) Dog houses under 15 square feet;
- (k) An unenclosed or uncovered porch or patio, but shall project into a required front or rear yard for a distance not exceeding ten feet, and into a required side yard not exceeding three feet, except in the R-OA-2 District where it shall project into a required side yard not exceeding one foot.

(Ord. 2002-45. Passed 8-22-02.)

### **1250.05 EXCLUSION OF MUNICIPAL PROPERTY.**

Nothing in this Zoning Code shall be deemed to apply to, or in any manner restrict, any premises now owned or hereafter acquired by the City as to any use thereof now or hereafter made.

(Ord. 2002-45. Passed 8-22-02.)

### **1250.06 FENCES.**

#### **(a) Definitions.**

(1) "Fence" means any artificially constructed barrier composed of wood, metal, stone, plastic, or other natural and permanent material erected in such a manner and positioned as to enclose or partially enclose or screen any yard or any part thereof, or to provide protection, privacy, boundary, or confinement.

(2) "Ornamental Fencing" means any fence made with decorative material, including wrought-iron, stone, brick, aluminum, wood or vinyl that is spaced board or picket in style to permit visibility.

#### **(b) In all Residential Districts, the following shall apply:**

(1) Fences or hedges shall not exceed 42 inches in height in the required front yard and on corner lots.

(2) Fences shall not exceed four feet in height in the required side yard next to the main building and projected to the required front yard.

(3) Fences shall not exceed six feet in height in the rear yard, except adjacent to a side yard where fences shall not exceed four feet in height in the rear yard.

(4) A permit shall be issued by the Zoning Inspector for each fence prior to construction.

(5) Fences shall not exceed three feet in height on unattached decks.

(6) In determining the height of fences as required by this section, the measurement shall be taken from the original/existing ground level of the property of the owner requesting the fence and shall extend to the topmost portion of the fencing material. If the situation involves a split rail fence, the height measurement shall be taken from the original/existing ground level to the uppermost portion of the top rail. If the situation involves ornamental fencing, a permit shall be required if said fencing exceeds 36 inches in height.

(7) Anything attached to a fence or portion thereof, shall become part of the fence and shall adhere to fencing regulations and requirements. All fences and screening shall be free of advertising.

(8) Fences must maintain an adequate safe distance from fire hydrants, as determined by the Fire Chief.

(9) If the fence has a "good side", the "good side" must face away from the property of the owner.

(10) The following fences are prohibited:

A. A fence consisting in whole or part of coils of barbed wire, concertina or razor wire.

B. A fence with razored edges, broken glass, affixed spikes, projecting nails or other material that may be a hazardous to the public.

(11) All fences shall be properly maintained by the owners of the property on which they are located. Such maintenance shall include painting, cleaning, and structural soundness, so there is no aesthetic detriment or hazard to the surrounding area.

(c) In all other zoning districts, , the following shall apply:

(1) Fences or hedges shall not exceed 42 inches in height in the required front yard and on corner lots, unless approval is obtained from the Planning Commission. Fences located in the front yard shall be of an ornamental nature and must use materials such as wrought iron, wood, brick, stone, and similar replications of these materials, such as vinyl fencing that has the appearance of wood. Chain link fences are prohibited in the front yard.

(2) Fences in the required side and rear yard shall not exceed six feet in height.

(3) A permit shall be issued by the Zoning Inspector for each fence prior to construction.

(4) In determining the height of fences as required by this section, the measurement shall be taken from the original/existing ground level of the property of the owner requesting the fence and shall extend to the topmost portion of the fencing material.

(5) Anything attached to a fence or portion thereof, shall become part of the fence and shall adhere to fencing regulations and requirements. All fences and screening shall be free of advertising.

(6) Fences must maintain an adequate safe distance from fire hydrants, as determined by the Fire Chief.

(7) If the fence has a “good side”, the “good side” must face away from the property of the owner.

(8) The following fences are prohibited, unless approval is obtained from the Planning Commission:

A. A fence consisting in whole or part of coils of barbed wire, concertina or razor wire.

B. A fence with razored edges, broken glass, affixed spikes, projecting nails or other material that may be a hazardous to the public.

(9) All fences shall be properly maintained by the owners of the property on which they are located. Such maintenance shall include painting, cleaning, and structural soundness, so there is no aesthetic detriment or hazard to the surrounding area.

(Ord. 2002-45. Passed 8-22-02; Ord. 2007-29. Passed 9-27-07.)

#### **1250.07 PROHIBITED USES.**

The following uses of land are prohibited in all districts:

(a) Industrial waste lagoons;

(b) Application of waste sludge on any land; and

(c) Junk yards as per Section 1282.07.

(Ord. 2002-45. Passed 8-22-02.)

#### **1250.08 HOME OCCUPATIONS.**

Home occupations, such as, but not limited to, a seamstress or a mechanic or the office of an architect, attorney at law, minister or physician and related arts and crafts, are allowed as an accessory use in a residential structure provided that such occupation:

(a) Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit;

(b) Is carried on by a member of the family residing in the dwelling unit;

(c) Is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and

(d) Conforms to the following additional conditions:

(1) The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.

(2) Not more than one person outside the family shall be employed in the home occupation.

(3) There shall be no exterior display, exterior sign (except as permitted in the district regulations), exterior storage of materials or other exterior indication of the home occupation or variation from the residential character of the principal building.

(4) No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.

Before commencement of such use, an application therefor shall be made to the Zoning Inspector, accompanied by the appropriate fee. If, upon examination, he or she finds that such proposed use will conform to the requirements set forth herein, he or she shall issue a permit for such use within thirty days.

(Ord. 2002-45. Passed 8-22-02.)

#### **1250.09 REQUIRED FRONT YARDS FOR CORNER LOTS.**

On a corner lot, the principal building and any accessory structures shall be required to have the same

setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

(Ord. 2002-45. Passed 8-22-02.)

### **1250.10 BUFFERING AND LANDSCAPING REQUIREMENTS.**

(a) Buffering Requirements. To secure a desirable transition between single-family residential zoning districts and residential land uses (A-1, R-1, R-A, R, R-OA-1, or R-OA-2) and development occurring on abutting land that is zoned R-4, MHP, NCO, C, M1, M2, CBD, or P, the required front, side or rear setbacks for those yards within the R-4, MHP, NCO, C, M-1, M-2 or P zoning districts shall be increased three times beyond the typical requirement, and within such a buffer area a landscaped buffer shall be provided, which shall act as a visual screen. An abutting public right-of-way cannot be considered an abutting land use. Setback reduction may be considered if additional screening is provided using landscaping, fencing, or mounding, or a combination of techniques thereof.

(b) Landscaping Requirements.

(1) Plantings in buffer areas shall have, within three years after planting, a minimum height of five feet and shall achieve an opacity of one hundred percent in the summer and a minimum of fifty percent in the winter.

(2) Indigenous occurring vegetation that provides some natural buffering may be preserved and used in combination with new plantings needed to achieve the minimum heights and opacity indicated in division (b)(1) of this section.

(3) Earthen mounding may be used as part of the landscaping plan and in buffer areas. The mounding shall have a minimum height of three feet and a maximum height of six feet. Such mounds shall have a maximum slope of three to one and a minimum width across the top of the mound of three feet. The grading of the mounds shall be accomplished to achieve positive storm water drainage with no ponding. Mounds shall be smoothly contoured and seeded or sodded with grass to prevent erosion.

(4) If plantings and earthen mounding are used in combination, a maximum of thirty-three percent of the planting may be installed on the top of the mound.

(5) A minimum of six percent of the parking lot area shall be landscaped.

(6) A minimum landscaping strip of five feet in width shall be located between the parking area and the abutting property lines.

(7) One tree shall be required for each twelve parking spaces or fraction thereof and a minimum of 100 square feet of non-paved area per tree in parking lot areas. Trees shall be of a diameter of not less than one and one-half inches.

(8) A minimum landscaping strip of ten feet in depth shall be located between the abutting right-of-way and the parking area.

(9) For all multi-family, manufactured home park, commercial and industrial districts, one street tree shall be planted at an average of every forty linear feet along the lot or parcel frontage of all public right-of-way. Street trees shall be planted and provided according to the regulations set forth in Section 1222.05(d)(23).

(10) The owners and their agents on multi-family residential, manufactured home park, commercial and industrial land use areas shall be responsible for providing, protecting and maintaining all landscaping and trees on their parcel or lot in a healthy and growing condition, replacing it when necessary and keeping it free of refuse and debris.

(c) Landscaping Plan Requirements.

(1) Landscape plans submitted pursuant to this section shall be prepared by a landscape architect.

(2) Landscape plans submitted pursuant to this article shall be drawn to scale, including dimensions and distances, and clearly delineate the existing and proposed parking areas, or other vehicular use area, access aisles, driveways and the location, size and description of all landscape materials and mounding.

(3) A zoning certificate will not be issued until the landscape plan has been approved by the Planning Commission.

(4) The Planning Commission or City Council shall have the authority to require a one-year maintenance bond for landscaping improvements. The maintenance bond shall be returned upon compliance with the approved landscaping plan.

(Ord. 2002-45. Passed 8-22-02.)

### **1250.11 ADJUSTMENTS TO REQUIRED FRONT YARDS.**

In any zoning district, where the average distance between the street right-of-way line and the existing principal structures is less than the front yard required in the applicable zoning district, then the required front yard for any lot in question on the same side of the street may be reduced. Such reduction shall involve determining the average distance between existing structures and the street right-of-way line for all principal structures that fall within 100 feet on either side of the side lot lines of the lot in question. The resulting average shall be the required front yard for the lot in question.

(Ord. 2002-45. Passed 8-22-02.)

### **1250.12 SITE PLAN REVIEW REQUIREMENTS.**

Before the issuance of a zoning certificate for construction of any developments, other than single or two-family developments, manufactured home parks and those occurring in a PUD district, a site plan, as defined herein, shall be submitted and approved by the Planning Commission, or where allowed, by the Architectural Review Committee (ARC). In addition to new construction, these requirements apply to the modification of any existing structure where the gross floor area is increased by more than twenty percent.

Owner/Developer shall have the option of using a one step or two step process of submitting a site plan for approval of the Planning Commission, or by the Architectural Review Committee (ARC), in cases where the development occurs in areas of the Central Business District defined in Section 1275.13 (Northwood Commons / Enclave Overlay District) and where the proposed land uses are principally permitted. The one-step process of submitting a site plan includes following the submittal process of 1250.12(b). The two step process of submitting a site plan includes following the submittal process of 1250.12(a) and (b).

(a) Preliminary Site Plan; Submittal Requirements. An application and ten copies of a preliminary site plan must be submitted to the Planning, Zoning, Economic Development Coordinator, or designee,, to review the preliminary site plan, fourteen business days before the Planning Commission or ARC meeting, on one or more drawings at a scale necessary to illustrate required detail. This preliminary site plan shall contain the following information and must be prepared by a registered professional engineer, architect, or surveyor. The submitted drawing shall show the following:

- (1) The names, addresses and telephone numbers of the owner/developer and the engineer/surveyor.
- (2) A location map. (Same orientation as the preliminary site plan.)
- (3) A scale on each drawing.
- (4) A north arrow on all drawings.
- (5) Show existing zoning on site plan drawing. (Project property zoning and adjacent property zoning.)
- (6) The dimensions of the property and the dimensions of existing and proposed buildings to be constructed to the nearest foot.
- (7) Building removals or other alterations to occur on existing buildings.
- (8) The distance to the right-of-way from the existing and/or proposed building to the nearest foot.
- (9) The distance to side and rear property lines from the structure to the nearest foot.
- (10) The names of adjacent roadways.
- (11) Sidewalks and pedestrian connectivity elements. (The location, width [existing and/or proposed] and handicap ramps and access, and trails and pathways, etc.)
- (12) Ditches, creeks or other natural features affecting development.
- (13) Show proposed location of private and public utilities and label type of utility.
- (14) Parking and bike rack locations. (Existing or proposed.) Off-street parking spaces and aisles, with dimensions, to the nearest foot, the number of spaces and handicapped parking spaces.
- (15) Drive-thru line-up.
- (16) The location of all waste and refuse handling facilities and proposed screening methods.
- (17) Off-street loading pavement type.
- (18) Development standards which include architectural standards, building and material types and colors, landscaping, signage and signage type, and any other items as required by the Planning, Zoning, and Economic Development Coordinator shall be submitted.

(b) Final Site Plan; Submittal Requirements. An application and ten copies of a final site plan must be submitted to the Planning, Zoning, or Economic Development Coordinator, to review the final site plan, fourteen business days before the Planning Commission or ARC meeting, on one or more drawings at a scale necessary to illustrate required detail. This final site plan shall contain the following information and must be prepared by a registered professional engineer, architect, or surveyor. The submitted drawing shall show the following:

(1) The names, addresses and telephone numbers of the owner/developer and the engineer, architect, or surveyor.

(2) A legal description and a location map. (Same orientation as the final site plan.)

(3) A scale on each drawing.

(4) A north arrow on all drawings.

(5) Show existing zoning on final site plan drawing. (Project property zoning and adjacent property zoning.)

(6) Show adjacent opposite property buildings and driveways on drawings.

(7) The dimensions of the property and the dimensions of existing and proposed buildings to be constructed. Existing topography, including existing ground elevations, shall be at a minimum of 100-foot intervals. Elevations are to be provided to the nearest tenth of a foot. Topography is to extend at least fifty feet beyond the site property lines.

(8) Building removals or other alterations to occur on existing buildings.

(9) The distance to the right-of-way from the existing and/or proposed building.

(10) The distance to side and rear property lines from the structure.

(11) The names of adjacent roadways.

(12) Right-of-way lines and pavement and right-of-way widths from the centerline of the roadway.

(13) Fencing or walls. (The location, height and material [existing and/or proposed].)

(14) Signs. (The location, height and dimensions, signage type and sign material [existing and/or proposed].)

(15) Lighting. (The location, parking and outside building [security].)

(16) Sidewalks and pedestrian connectivity elements. (The location, width [existing and/or proposed] and handicap ramps and access, and trails and pathways, etc.)

(17) Drive approach aprons. (The location, the width at the roadway, the width at the throat and radius returns.)

(18) Ditches, creeks or other natural features affecting development. (Two-foot contours [where appropriate] and a 100-year flood line.)

(19) Storm water drainage (existing and proposed) and the method for detention, with drainage calculations, detention volume, hydraulic calculations, and storm water management plan.

(20) Sanitary and storm sewers (existing and proposed), the waterline, hydrants and storm sewer design calculations.

(21) Wells (existing and/or proposed), if improvements not available. (Also on adjacent property, if applicable.)

(22) On-site sewerage system, if applicable. (Also on adjacent property, if applicable.)

(23) Parking and bike rack locations. (Existing or proposed.) Off-street parking spaces and aisles, with dimensions, the number of spaces, handicapped parking, pavement type, the number of employees at peak shift, if applicable, and the square footage of the building, if applicable.

(24) Drive-thru line-up, if applicable, and the number of vehicles stored in line-up, if applicable.

(25) A landscaping plan. The plan must be approved by the City Engineer and Planning, Zoning, and Economic Development Coordinator before issuance of a Zoning Certificate.

(26) The location of all waste and refuse handling facilities and proposed screening methods..

(27) Traffic study and counts, if applicable.

(28) Off-street loading pavement type.

(29) Requirements of City of Northwood Chapter 1456, "Flood Hazards".

(c) Site Plan Review. Within forty-five days following the formal submission of a preliminary site plan or final site plan containing all of the information described in subsection (a) hereof, the Planning Commission or ARC shall consider such plan at a public meeting and shall approve, disapprove or modify such plan according to the following criteria:

(1) The preliminary site plan or final site plan shall be considered formally submitted when found to be complete by the Planning Commission or ARC;

(2) The preliminary site plan or final site design shall consider all existing local plans for the City, including the Comprehensive Plan;

(3) Development of the site shall attempt to preserve any unique natural features present on the site including significant trees or stands of trees;

(4) The proposed layout shall provide safe and convenient pedestrian and vehicular circulation and linkages;

(5) The preliminary or final site design and general location of proposed structures shall provide compatibility and sensitivity to adjacent properties;

(6) Proposed parking and bike rack areas shall be attractive, safe and convenient; and

(7) Proposed signage shall be located on the property to harmonize with adjacent land uses and shall not cause excessive lighting to be directed to adjacent property or to unnecessarily obstruct views.

(8) A set of site plans shall be reviewed by the City Fire Chief, City Police Chief, and Northwest Water and Sewer District and the review comments shall be considered by the Planning Commission or ARC when approving, disapproving or modifying the site plan.

(d) Site Plan Final Inspection. Responsibilities of the property owner/s are as follows:

(1) Within thirty days of project completion, notification (written or verbal) to the Planning, Zoning, and Economic Development Coordinator and/or City Engineer is required for final inspection of the project. The Planning, Zoning, and Economic Development Coordinator and/or City Engineer will determine if the project has been completed according to the approved site plan. A written notification will be provided to the property owner as to the results of the final site plan inspection.

(2) Any items that are found to be absent or in non-compliance of the approved site plan must be fixed within 30 days of written notification.

(3) A fee will be charged to the property owner for the final site plan inspection. The fee will be determined by the amount of time spent by the City Engineer. The City Engineer will charge this fee to the city and in return the property owner must reimburse the city of this fee before an operating and locating permit can be issued.

(e) Approval Void If Responsibilities Not Met. If the above responsibilities are not met, the site plan approval will be null and void. The property owner may seek re-approval of the site plan through the Planning Commission or ARC provided all costs and inspections have been made in full.

(f) Operating and Locating Permit. All new businesses locating within the city must obtain an operating and locating permit from the Planning, Zoning, and Economic Development Coordinator, as listed in Section 1244.02(a)(1). An operating and locating permit must be obtained before the opening of the business or a penalty shall apply as listed in Section 1244.99. An application therefor shall be made to the Planning, Zoning, and Economic Development Coordinator accompanied by the appropriate fee as listed in the General Fee Schedule, Chapter 208.

(Ord. 2002-45. Passed 8-22-02; Ord. 2005-43. Passed 10-13-05.)

### **1250.13 MINIMUM LOT FRONTAGE.**

Within all zoning districts, except R-OA-2, C, CBD, NCO, M-1 and M-2, the minimum lot frontage shall be fifty feet.

(Ord. 2002-45. Passed 8-22-02.)

### **1250.14 DISTRICT USE DETERMINATION.**

When the Planning, Zoning, and Economic Development Coordinator has difficulty determining whether or not a proposed use meets the performance characteristics required for a particular district, the coordinator shall have the applicant for the proposed use apply to the Planning Commission to make the determination.

(Ord. 2002-45. Passed 8-22-02.)

### **1250.15 WIND TURBINES.**

Unless otherwise specifically provided, wind turbines shall be a conditional use in all districts under the following conditions:

(a) The maximum height of any wind turbine for the private generation shall be 40 feet. For purposes of the particular zoning item, "maximum height" shall be considered the total vertical height calculated by measuring the length of the blade or vane at the maximum vertical rotation to the original/normal grade.

(b) The maximum height of any wind turbine for public or commercial generation shall be reviewed and determined by the Planning Commission on a case by case basis. Maximum height shall be measured the same as a private wind turbine.

(c) Setbacks. The following shall apply in regards to setbacks:

(1) Any wind turbine erected on parcel of land will need to establish a "clear fall zone" equal to the maximum height of the wind turbine from all neighboring property lines, structures, as well as any structures on the parcel intended for the wind turbine. A wind turbine will need to be erected and placed in such a

manner that if it were to fall, whatever direction the fall occurs would be contained safely on the property where the wind turbine is located, and would not strike any structures including the primary dwelling, and any accessory buildings or uses.

(d) Aesthetics. The following provisions shall be applied to the aesthetics issue of wind turbines:

(1) The wind turbine, including the prop blade or vanes, turbine, cowling, nacelle, and tower shall be painted or coated white, gray, or sky blue. Logos, signs or other identification markers other than those of the manufacturer and model type shall not be permitted anywhere on the wind turbine.

(e) Noise. Broadband noise from any wind turbine shall be limited to no more than ten decibels above the original ambient baseline sound level (or that level which is exceeded 90% of the time) beyond the property line, considering both daytime and night measurements as reported in the engineer's sound propagation model required in division (g)(3)K.4. of this section. The day and night requirements will be different. The harmonic mean of the night measurements will set the baseline for night noise limits and the harmonic mean of the daytime measurements will set the baseline for daytime limits. Pure tones defined as an octave band (at any frequency) are limited to no more than three decibels above the adjacent higher and lower octave bands.

(f) Ice. The potential ice throw or ice shedding for the wind turbine shall not cross the property lines of the site in question nor impinge on any public right-of-way or overhead utility line. Compliance shall be demonstrated in the zoning certificate application by specific analysis method, but such model shall not alleviate the applicant of the need to comply with this subsection under all atmospheric conditions, for the life of the structure. This standard shall not apply to an anemometer tower.

(g) Zoning Certificate Application.

(1) A zoning certificate shall be required before construction can commence on a wind turbine system or anemometer tower.

(2) As part of the application process, the applicant shall provide written documentation that the applicant has notified the FAA, Toledo Metcalf Field and any other applicable State and Federal regulatory agencies of the proposed wind turbine system or anemometer tower.

(3) As part of the application process, the applicant shall provide to the City a report prepared by a professional engineer with the following information:

A. The total size of the wind turbine unit.

B. The total size and height of the tower, pole, or support structure including sealed structural design calculations from a professional engineer.

C. The total size and depth of the concrete foundation including sealed foundation design calculations from a professional engineer.

D. A list and or depiction of all safety measures that will be on the unit, including anti-climb device, grounding devices, and lighting protection.

E. Data specifying the kilowatt size and generating capacity of the wind turbine unit.

F. A sealed site drawing showing the location of the unit feet and inches in relation to existing structures on the site, roads and other public right-of-ways, and neighboring properties and structures.

G. Evidence of a "clear fall zone" shall be shown on the site drawing with manufacturing recommendations.

H. Color of the unit as well as the location and size of the manufacturers identifying logos shall be included in the drawings.

I. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the zoning certification.

J. Documentation that the site of the wind turbine has sufficient wind resources for the proposed wind turbine equipment.

K. Analysis, measurements and projections of wind turbine noise propagation shall conform to the International Electromechanical Commission (IEC) Standard 614-00-11 Part 11, as that standard may be amended or updated from time to time. Acoustic Noise Measurement Techniques, with optional noise directivity requirements (see below), infrasound (low frequency) projections, low frequency noise (between 20 and 100 Hz) measurement and analysis and impulsivity measurement (noise pressure of potential "thumping" sounds). Analysis shall, include but not limited to:

1. A survey of the existing ambient background noise levels. Analysis shall include day time measurements and also at least two ambient noise measurements between 9:00 p.m. and 11:59 p.m. and two between 1:00 a.m. and 5:00 a.m.



2. A prediction of the WTG noise levels at the property border. This can be made with manufacturer's data or data from a private testing agency for proposed WTGs or by direct measurement for WTGs in place, so long as measurements are conducted according to IEC and 614-00-11 Part 11 as that standard may be amended or updated from time to time. Including infrasound and low frequency noise between 20 and 100 Hz, modeling must identify likely pure tone sources.

3. Identification and support for a model for sound propagation. The model may be hemispherical or spherical but particular attention must be paid to the noise propagation downwind of the proposed installation site and the propagation of sound at different atmospheric densities.

4. A comparison of calculated wind sound pressure levels with and without the WTG or proposed WTGs. This confirms the baseline for permitted sound levels once the WTGs are operating.

\* This application requirement shall not apply to any anemometer tower.

(h) Anemometer and Anemometer Tower. The anemometer and anemometer tower shall comply with the setback, height and other requirements for the wind turbines except where indicated in this section.

(i) Removal of Wind Turbine and Anemometer Towers. Wind turbine anemometer towers that are not operated for a continuous period of 12 months shall be removed by the owner of the wind turbine or anemometer tower within 90 days of receipt of a notice from the City requiring such removal. For purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the anemometer instrument(s) being removed from the anemometer tower or disconnected so that wind resources are no longer being measured, the blades of the wind turbine remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the wind turbine is no longer connected to the public utility electricity distribution system. In the event a wind turbine owner fails to remove the wind turbine tower or the anemometer tower as required by this section, the City shall have the authority to remove the tower and shall assess the property owner to cover the costs of such removal.

(j) Duration of Permit. A permit to operate a temporary anemometer tower shall be valid for one year and may be extended for a maximum of one additional year. A permit to operate a wind turbine shall be valid for 20 years.

(k) Use of Current Technology. Wind turbines shall be designed to the current state of the technology. Used, outdated or obsolete wind turbine equipment shall not be permitted to be constructed or installed. With respect to performance standards set forth in this section, repairs and parts replacement shall not be of lesser quality than that of the original permitted equipment and shall be upgraded to the performance standards current at the time of the repair. In no case shall repairs or alterations be allowed which will decrease the degree to which the wind turbine complies with this section.

(l) Major Equipment Replacement During Life of the Permit. Should the wind turbine operator wish to replace major components such as turbine blades, generator, main gear box, nacelle, or the entire wind turbine, the operator shall demonstrate that the wind turbine will substantially meet the then-current criteria for new wind turbine permits, except that setback distances will not be increased. In no case shall replacement or alterations be allowed which will decrease the degree to which the wind turbine complies with this section.

(m) Turbine Permit Renewal. At any time the operator of a wind turbine may elect to seek a new permit for the given site. A new wind turbine permit shall not allow aspects of the previous permit to be "grandfathered". To qualify for a new permit the wind turbine installation shall meet all criteria of the then-current standards.

(Ord. 2009-15. Passed 5-28-09.)

## **1250.16 SOLAR PANELS.**

Solar panels shall be allowed in all zoning districts either attached to permitted principal or accessory buildings or as accessory structures subject to the following regulations:

(a) Attached to Building. Where attached to building, the solar panels shall be subject to the same regulations as the building in terms of height and setbacks. Solar panels may be attached to the roof or the building wall, but not both.

(1) Roof mounted panels shall include solar panels integrated as the surface layer of the roof structure which no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface.

A. Solar panels integrated as the surface layer of the roof structure may be located on any part of the roof.

B. Separate flush-mounted solar panels may only be located on a rear- or side-facing roof.

C. Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.

D. Solar panels mounted on a flat roof shall not project vertically higher than the height of the parapet wall surrounding the roof or shall be screened by architectural features.

(2) Flush-mounted solar panels on the building wall may only be attached to one side or rear building facade and shall not face a street.

(b) Free-standing. Solar panels that are not attached to a building shall be permitted as an accessory structure subject to the following regulations:

(1) Free-standing solar panels shall be permitted in the rear yard only.

(2) Free-standing solar panels shall be setback according to the setback requirements of the zoning district.

(3) Free-standing solar panels shall not exceed a height of four feet.

(4) The surface area covered by a free-standing system shall not exceed one percent of the lot or 180 square feet, whichever is less. Area covered shall be included in the lot coverage calculations for the lot.

(5) All power transmission lines shall be underground.

(6) Free-standing solar panels shall not be visible from adjacent property and shall be screened by landscaping where necessary.

(c) Glare. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.

(d) Building Permit. Solar energy systems shall conform to applicable industry standards. A building permit shall be obtained for a solar energy system in accordance with the Building and Electrical Codes. (Ord. 2011-34. Passed 12-15-11.)

#### **1250.17 STORM DRAINAGE SYSTEMS.**

(a) (1) Storm sewer shall be designed to flow just full for the five year intensity-duration-frequency storm using the Rational Method. The minimum pavement gutter elevations shall be at or above the hydraulic grade line for twenty-five year frequency storm.

(2) For the ten year hydraulic gradient checks, minimum starting point elevation, when a proposed storm drainage system outlets into a nearby stream or ditch, shall be based on ten year high water elevation. If information is unavailable the high water elevation shall be determined by following sound engineering principals subject to approval by the City Engineer.

(b) All structures within a new street right-of-way shall be designed to adequately handle the storm drainage of the proposed improvements as determined by the City Engineer.

(c) All site development disturbing one acre or more of property shall be required to include on-site storm water detention per the City's current storm water management plan (SWMY). Single-family home construction located on a parcel or parcels is exempt from the detention/retention requirement of this section. The minimum detention volume for the site shall be equivalent to the storage volume produced from a 200 year frequency (post development) storm inflow with an allowable discharge of a five year frequency (pre-developed) storm outflow. The storm water detention calculations for the site shall be submitted with the site grading plans and shall be subject to approval by the City Engineer.

(d) All storm water collection systems shall be designed to include, but not limited to, storm water treatment for the removal of sediment. The type of storm water treatment shall be in accordance to the applicable best management practice(s) (BMPs) as listed in the City's current SWMP. All construction and maintenance of storm water collection system shall be in accordance to the Ohio Environmental Protection Agency's Permit No.: OHC000005, or most current permit update. All construction details, involving storm water treatment and maintenance, shall be shown on the erosion control plan for the site, which shall be submitted with the site grading plans subject to review and approval from the City Engineer. All developers or property owners shall maintain any post construction structural BMPs according to the maintenance requirements of said BMP. All post- construction structural BMPs will be inventoried and subject to inspection by the City Zoning Department. Failure to properly maintain the BMP will result in penalties according to subsection (g) hereof.

(e) All residential sites and subdivisions shall require all downspouts from gutters to be splashed unto the grass area of the lots a BMP requirement.

(f) Notification of violation; time limit. Any person found to be violating any provisions of subsection (d)

hereof shall be served by the City with a written notice, stating the nature of the violation, sent by first class mail to the person apparently guilty of the violation. This notice shall be deemed sufficient, in the event of violation, if sent to the address of the person shown on the Wood County tax records. The notice shall, in all cases, set forth a time limit during which all noted violations shall cease and be abated, and appropriate corrective action taken, and if the violator shall not thus comply, the provisions of the following paragraph then apply.

(g) Violation beyond time limit; penalty. Any person who continues any violation beyond the time limit provided for in subsection (d) hereof is guilty of a minor misdemeanor and shall be punished as provided in Section 698.02 of the General Offenses Code. Every day a person is in violation shall be considered a separate offense.

(Ord. 2011-33. Passed 12-15-11.)

#### **1250.18 OUTDOOR LIGHTING.**

All permanent outdoor lighting such as that which is used for area lighting or building floodlighting or security shall be steady, stationary, shielded sources directed so as to avoid glare for motorists, pedestrians and adjacent premises. The maximum light intensity at any property line or right-of-way line shall not exceed one foot-candle from the site. A photometric plan shall be submitted to the City for all outdoor lighting improvements. The plan is required for all site plan submittals and approvals. A plan may be required by the Planning, Zoning, and Economic Development Coordinator for residential districts or residential use in an agricultural district.

(Ord. 2014-11. Passed 6-26-14; Ord. 2014-26. Passed 11-20-14.)