

ARTICLE 24

SUPPLEMENTAL DISTRICT REGULATIONS

Sections:

- 24-1 General
- 24-2 Height and Yard Regulations
- 24-3 Number of Structures on a Lot
- 24-4 Screening for Commercial and Industrial-Zoned Property
- 24-5 Temporary Uses
- 24-6 Accessory Uses
- 24-7 Fences
- 24-8 Residential-Design Manufactured Housing Standards
- 24-9 Underground Dwellings

SECTION 24-1 GENERAL

24-104. The regulations set forth in this article qualify or supplement, as the case may be, the district regulations appearing elsewhere in these regulations.

SECTION 24-2 HEIGHT AND YARD REGULATIONS

24-201.

- a. **Height.** Chimneys, cooling towers, steeples, elevator headhouses, fire towers, monuments, stacks, watertowers, or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy are not subject to the height limitations contained in the district regulations.
- b. **Yard.**
 - 1. *Front yards.* The front yards established by the district regulations shall be adjusted in the following cases:
 - (a) Where there is no recorded front building setback line established by platting and all of the structures on one side of a block are set back greater than required by the district regulations, a new or enlarged structure may be set in line with the structure closest to the street, provided such line does not exceed by more than ten (10) feet the front yard requirement established by the applicable district regulations.
 - (b) Where there is no recorded front building setback line established by platting and fifty (50) percent or more of the structures on one side of a block are setback less than required by the district regulations a new or enlarged structure may be set in line with the average of the existing structure or structures adjacent to the new or enlarged structure. However, no new or enlarged structure may be set closer to the front property line than fifteen (15) feet in a residential zone, or ten (10) feet in a commercial or industrial zone.

- (c) Unless conditions of a particular site warrant additional setback to account for future right-of-way needs, buildings located along arterial or collector streets shall be adjusted as follows.
1. Arterial Streets: No building or structure which fronts or sides on an arterial street shall be located nearer to the center of the arterial street right-of-way than the sum of the required front yard (in feet) plus 60 feet.
 2. Collector Streets: No building or structure which fronts or sides on a collector street shall be located nearer to the center of the collector street right-of-way than the sum of the required front yard (in feet) plus 50 feet.
- (24-201-c added 09-05-07)
2. *Accessory buildings and structures.*
 - (a) Detached accessory buildings or structures must be located behind the front building line and may be located no closer than five (5) feet from the principal building, side or rear lot line, except if the structure has a vehicular entrance directly from an alley such accessory building or structure shall be set no less than twenty (20) feet from the property line adjacent to the alley.
 - (b) Existing accessory buildings or structures which do not meet the minimum setbacks may be rebuilt, reconstructed or enlarged, providing they do not further decrease the existing setbacks.
 3. *Structural projections.* Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings or structures, and except for:
 - (a) Eave projections, sills, cornices and other ornamental features may project a maximum of twelve (12) inches into a required yard or setback.
 - (b) Open fire escapes, balconies opening onto a fire escape, chimneys and fireplaces may project no more than three and one-half (3.5) feet into a required rear yard.
 - (c) Unenclosed porches open to the sky and no more than three (3) feet above grade may project up to ten (10) feet into a front or rear yard, however front yard setbacks shall be no less than ten (10) feet.

SECTION 24-3 NUMBER OF STRUCTURES ON A LOT

24-301. Where a lot is used for other than a single family residence, more than one principal use or structure may be located on such lot, provided that such buildings conform to all requirements for the district in which they are located, and all such buildings shall remain in single ownership unless such buildings and lots are certified as a condominium.

SECTION 24-4 SCREENING FOR COMMERCIAL AND INDUSTRIAL-ZONED PROPERTY**24-401.**

- a. *Commercial or industrial use adjacent to a residential zone.* Whenever a commercial or industrial zoned tract adjacent to a residential zoning district is used, screening to protect the residential land from the affect of the commercial or industrial use shall be required.
- b. *Type of screening required.* Screening shall consist of a wall, fence or evergreen plantings six (6) to eight (8) feet in height having a visual density of at least ninety percent (90%). Screens adjacent to the front yard of a residential zone shall not exceed forty-eight (48) inches in height.
- c. *Location of screen.* All required screening shall be located within three (3) feet of the property line adjacent to the residential zone.
- d. *Evergreen hedges or shrubs.* Evergreen plantings shall be plated at a height of at least thirty-six (36) inches and shall reach the required height and effective screening within eighteen (18) months.
- e. *Maintenance of screens.* All required screens shall be permanently maintained in good and effective condition, and whenever necessary, repaired or replaced.
- f. *Installation prior to occupancy.* Whenever screening is required, it shall be installed within six months of occupancy of the commercial or industrial use as allowed.

SECTION 24-5 TEMPORARY USES**24-501.**

- a. Only the following temporary uses may be permitted.
 1. **Carnivals and Circuses:** A carnival or circus, but only in a I-1 or I-2 district or in a public park, for a period that does not exceed two (2) weeks. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall conform to the requirements of the sight triangle as defined by these regulations. Except for a carnival or circus operated in conjunction with the Franklin County Fair, any carnival or circus located within 300 feet of a residential dwelling, hotel, motel, bed and breakfast, lodging or boarding house, or any other use providing overnight sleeping accommodations, said carnival or circus shall not be in operation between the hours of 10:00 p.m. and 8:00 a.m.
 2. Contractor's office and equipment sheds on the site of a construction project only during the construction period.
 3. Model homes or development sales offices located within the subdivision or development area to which they apply, with such use to continue only until sale or lease of all units in the development.

4. Outdoor temporary sales on private property and not incorporated or in partnership with the existing business located on this property in a commercial or industrial zone, including commercial sales, swap meets or similar activities providing they do not operate for more than ten (10) consecutive days and there are no more than four (4) such sales on any one property in any calendar year.
5. Seasonal sales of farm or garden produce, bulbs, plantings or cut flowers, on an individual's place of residence and raised by the same individual, provided no structure is constructed for such use. Such use shall not exceed 120 consecutive days.
6. One mobile home to be used as a temporary office for any allowable use in an industrial zoning district, provided that such mobile home shall not be used for more than a one (1) year period starting the day the mobile home is set upon the property.
7. Charitable Sales or Services: Charitable events such as dinners, car washes, performances, bake sales or similar activities but for a period not to exceed three (3) days over a 30-consecutive day period.
8. Portable, short term moving and shipping containers in residential areas, not to exceed 30 days. No such unit shall block any sidewalk, right-of-way, or be located in any sight triangle as described in Section 13-400 of the Municipal Code. Doors must be secured at all times except during loading and unloading. Exception to the length of time may be possible if the dwelling unit has been damaged by a natural disaster or casualty.

(24-501-a-8 added 02-03-10)

9. Seasonal retail sale of food and drink, such as snow cones, barbeque or coffee; products, such as electronics; and services, such as photo finishing. Such use may be permitted only in the C-3 district, ancillary to an established commercial use and located on land of common ownership. Any building placed for use in operation of such use shall be removed within 120 days of initial placement or constructed compliance with applicable building codes including, but not limited to placement upon a permanent foundation.

(24-501-a-9 added 11-03-10)

- b. Persons seeking approval for a temporary use authorized by items 1, 2, 4, 6 and 8 in subsection 24-501.a. above shall make application to the Zoning Administrator at least twenty (20) days in advance of the time desired for usage. Such application shall include a site plan showing existing buildings and parking, located of any permanent or semi-permanent structures and any required utility service connections. The Zoning Administrator may issue a certificate of temporary use upon the payment of the temporary use permit fee imposed by the fee ordinance and upon finding:

(24-501-b revised 11-03-10)

1. The temporary use will not impair the normal, safe and effective operation of any permanent use on the same or adjoining site.
2. The temporary use will not impact the public health, safety, or convenience and will not create traffic hazards or congestion or otherwise interrupt or interfere with the normal conduct of use and activities in the vicinity.
3. That adequate off-street parking is available for the temporary use and any permanent use on the site.

4. The temporary use will be in compliance with all applicable City laws, including licensure requirements.
- c. The following conditions for a temporary use shall apply:
1. Each site used by an authorized temporary use shall be left free of debris, litter and all evidence of such use.
 2. Such use when conducted upon a parking lot of another business shall not occupy more than twenty (20) percent of the required parking spaces of such uses.
 3. No temporary use shall be located within the required setback of the site.
 4. Any sign used in conjunction with the temporary use shall comply with all requirements of the sign regulations for temporary signs, including the obtaining of a sign permit.

SECTION 24-6 ACCESSORY USES

24-601. Accessory uses are permitted in any zoning district in connection with any permitted principal use.

- a. **Definitions.** An accessory use is a structure or use which:
1. Is subordinate to and serves a principal building and principal use.
 2. Is subordinate in area, extent or purpose to the principal building or buildings served.
 3. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served.
 4. Is located on the same tract as the principal building or principal use served.
- b. **Permitted accessory uses.** Any structure or use that complies with the terms of 24-601.a. of this article may be allowed as an accessory use or structure. Accessory structures and uses include, but are not limited to, the following:
1. Residential Uses.
 - (a) Private garages or carports or any combination thereof, not to exceed the lesser of (a) one thousand two hundred (1,200) square feet in area or (b) the ground floor area of the residential building.
 - (b) A structure for storage incidental to a permitted use, provided no such structure that is accessory to a residential building shall exceed four hundred (400) square feet in gross floor area.
 - (c) A children's playhouse.

- (d) A private swimming pool and bathhouse.
- (e) Statuary, arbors, trellises, barbecue stoves, flagpoles, fences, walls, hedges and radio and television antennas.
- (f) Storm shelters, provided that they shall not be used for any principal or accessory use not permitted in the zoning district.
- (g) For properties in the Urban Growth Area, private garages, carports or shop buildings shall not exceed one thousand eight hundred (1,800) square feet in area.

(24-601-b-g added 12-21-11)

2. Commercial and Industrial Uses.

- (a) Retail sales of products manufactured, processed or fabricated on site.
- (b) Storage or recreational equipment, such as boats, boat trailers, camping trailers, converted buses or trucks, motor homes, provided no such equipment is occupied for dwelling purposes.
- (c) Restaurants, drug stores, gift shops, clubs and lounges in a permitted commercial or industrial building.
- (d) Employee restaurants and cafeterias when located in a permitted commercial or industrial building.
- (e) Offices for permitted commercial and industrial uses when the office is located on the same site as the business or industry to which it is an accessory.
- (f) Retail sales for permitted industrial uses when located on the same site as the industrial use.
- (g) The storage of retail merchandise when located within the same building as the principal retail business.

c. **Prohibited accessory uses.** None of the following shall be permitted as an accessory use:

- 1. Outdoor storage or overnight parking in a residential district of trucks of a gross vehicle weight of 12,000 pounds or mobile homes, provided such storage or parking may be permitted upon the issuance of a waiver by the Zoning Administrator following a finding by the Administrator that such waiver would not be adverse to public health, safety or welfare.
- 2. Outdoor storage, except as specifically permitted in the district regulations.
- 3. Freight storage containers and/or shipping containers in residential districts.

(24-601-c-3 added 02-03-10)

24-602. Accessory Uses; Animals and Livestock.

- a. The keeping of common household pets such as dogs, cats, fish or birds in quantities less than those that would require Agricultural zoning or zoning for an animal boarding, breeding or veterinarian facility is permitted as an accessory use in any district, provided such is in accordance with all applicable laws of the City.
- b. Hogs, ruminants or similar animals are prohibited in any residential districts (R-1, R-2, R-3, TN, MHS, MP, MU/RC) or in any other district on tracts of less than ten (10) acres.
- c. The keeping of large animals, such as horses; ponies; cattle; sheep; goats; and poultry or small domesticated animals shall be permitted as an accessory use when done in compliance with all applicable laws of the City and in accordance with the following:
 1. One (1) large animal on lots no smaller than five (5) acres, and one (1) additional large animal for each additional one and one-half (1.5) acres of lot area.
 2. For lots less than ten (10) acres and not smaller than three (3) acres, fifteen (15) poultry or small domesticated animals other than those commonly kept as household pets for the first three (3) acres of lot area and five (5) additional poultry or small animals other than household pets for each additional one (1) acre of lot area.

(24-602-b-c-1 revised 12-21-11)

SECTION 24-7 FENCES

24-701. General Provisions. Except as otherwise specifically provided elsewhere in these regulations, or in other codes, ordinances or regulations of the City, the following restrictions shall apply to the construction of fences:

- a. Definition: A **fence** is a freestanding structure of metal, masonry, composition of wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, ornamental, screening or partition purposes.
- b. No person shall erect or repair, replace or reconstruct any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation or which fence shall adversely affect the public health, safety or welfare.
- c. No fence shall be constructed, repaired, replaced or reconstructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.

24-702. Location and Height.

- a. **Front yard.**
 1. No fence shall be constructed closer to the street than the front setback line established for the district or neighborhood in which such fence is to be erected; provided however, that: (a) a fence four (4) feet or less in height with a visual density of seventy (70) percent or less per square foot may be constructed in the required front yard setback; (b) If the front yard setback of a principle building is established closer to the street right-of-way than the required front yard setback, a fence greater than four (4) feet in height shall not be erected closer to the street right-of-way than the front corner of the principle building; (c) If the established front yard setback of a principle building is greater than twenty-five (25) feet, a fence greater than four (4)

feet in height may be constructed with a setback of twenty-five (25) feet from the street right-of-way line.

2. Corner lots: If the established front yard setback on a corner lot is located to the side of the principle building, a fence greater than four (4) feet in height may be constructed within ten (10) feet from the street right-of-way line. If, however, an interior lot or through lot is located to the rear of a corner lot, said fence shall maintain the same front yard setback as required for fences on the adjoining interior lot or through lot. Fences constructed in accordance with this subsection shall also comply with the applicable provisions of subsection 1 above.
3. Double-frontage (not corner): If the established front yard setback of a through lot adjoins a street which is to the rear of the principle building, a fence greater than four (4) feet in height may be constructed within ten (10) feet of the street right-of-way line. In no case, however, shall said fence be constructed closer to the street right-of-way line than the front yard setback of an existing principle building located on an adjoining lot.
4. Agricultural and P District, Schools (public or private) and City parks: A chain link fence greater than four (4) feet but no higher than six (6) feet may be constructed in the required front yard setback where safety is an issue.

(24-702-a-4 revised 07-16-08)

b. Other.

1. No fence shall be erected or constructed of a height greater than six (6) feet above grade level in residential districts and eight (8) feet above grade level in commercial or industrial districts.
2. No fence shall be constructed in such manner or be of such design as to be a traffic hazard.
 - (a) Site Triangle: No fence shall be constructed within the sight triangle as defined in Article 2 of these regulations. The minimum area included in a sight triangle shall be bounded on two sides by the centerline of each street, and on the third side by a line connecting the two center lines at points a distance of seventy-five (75) feet from the intersection of the center lines. This distance shall be increased to ninety (90) feet on arterial or collector streets.
3. Decorative Fences: Decorative fences may be located anywhere on a site, including all yard areas, but shall not exceed three (3) feet in height above grade level. Decorative fences shall be designed so that they are neither solid fences or opaque screens or used for a certain area. Split-rail and wrought iron fences are examples of the non-opaque fences that could serve as decorative fencing. The total length of the decorative fence shall not exceed fifty (50) percent of the total width of the lot, as measured along the front setback line.

24-703. Permit Required.

- a. No fence shall be constructed without first obtaining a Building Permit approved by the City Inspector.

- b. All fences shall conform to the construction standards of the Uniform Building Code and other applicable ordinances and resolutions.

24-704. Fences in Easements.

- a. A fence may be installed within a dedicated utility easement at the property owner's risk of having to bear the expense of removal (or of having the fence removed by the City) and/or repair such fence due to the lawful activities of persons or entities under the easement. Fences in these areas shall be identified in the building permit process and be reviewed by the Director of Utilities or designee. All such fences shall have gates or openings or be constructed of removal panels to provide proper access to utility meters and/or easements. The City shall not be liable for replacement of any fence and the waiver of liability shall be noted on the face of the permit issued.
- b. No fence shall be placed in a storm drainage easement.

24-705. Certain Fences Prohibited.

- a. No electric fences, except in the A District and for pets as permitted in subsection c. below.
(24-705-a revised 07-16-08)
- b. No barbwire or razor wire fences shall be allowed. However, up to three (3) strands of barbwire may be used for agricultural purposes in the A and CS districts or be placed at the top of a fence for security purposes, provided such strands are a minimum height above ground of six (6) feet and overall height not to exceed nine (9) feet in the C-2, C-3, I-1, and I-2 Zoning Districts.
(24-705-b revised 12-21-11)
- c. No above ground electric pet fences. However, underground pet fences (restraining devices), where the animal has to wear a collar in order for the fence to be activated are allowed.

SECTION 24-8 RESIDENTIAL-DESIGN MANUFACTURED HOUSING STANDARDS

24-801.

- a. In order to be classified as a Residential-Design Manufactured Home a structure must be manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards generally known as the HUD Code established in 1976 pursuant to 42 U.S.C. Sec. 5403. Such structures shall provide all of the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable City regulations. Such a structure shall be on a permanent-type, enclosed perimeter foundation which has minimum dimensions of twenty-two (22) body feet in width excluding bay windows, garages, porches, patios, pop-outs and roof overhangs; a pitched roof; siding and roofing materials which are customarily used on site-built homes; and which complies with the following architectural or aesthetic standards so as to ensure their compatibility with site-built housing:
 - 1. The roof must be predominantly double-pitched and have a minimum vertical rise of three (3) inches for every twelve (12) inches of horizontal run, and must be covered

with material that is customarily used on site-built dwellings, including but not limited to approved wood, asphalt composition shingles, clay or concrete tile, slate or fiberglass, but excluding corrugated aluminum or corrugated fiberglass roof. The roof shall have a minimum eave projection and roof overhang on at least two (2) sides of ten (10) inches which may include a gutter.

2. Exterior siding shall be of a nonreflective material customarily used on site-built dwellings such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with City-adopted building codes.
 3. The home shall be installed in accordance with the recommended installation procedure of the manufacturer and the building code adopted by the City.
 4. The running gear, tongue, axles and wheels shall be removed from the unit at the time of installation. Either a basement or a continuous, permanent masonry foundation or masonry curtain wall, supported by frost-depth footing unpierced except for required ventilation and access which may include walk-out basements and garages, shall be installed under the perimeter of the home.
 5. At the main entrance door there shall be a landing that is a minimum of twenty-five (25) square feet which is constructed to meet the requirements of City-adopted building codes.
 6. On level sites, the main floor shall be no greater than twenty-four (24) inches above the finished grade at the foundation. On sloping or irregular sites, the main floor at the side closest to grade level shall not be greater than twenty four (24) inches above the finished grade at the foundation.
 7. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the City-adopted building codes and attached permanently to the primary structure and anchored permanently to the ground.
 8. Any attached addition to such a home shall comply with all construction requirements of the City-adopted building codes, unless designed and constructed by a manufactured home factory.
- b. For purposes of these regulations, the term “manufactured home,” when used by itself, shall not include a “residential-design manufactured home” as herein defined.

SECTION 24-9 UNDERGROUND DWELLINGS

24-901. Underground dwellings are a housing type allowed in zoning districts where site-built residences are a permitted or conditional use, with issuance of a building permit being subject to the following additional requirements: (a) approval of a stormwater drainage plan by the Zoning Administrator, and (b) approval by the Zoning Administrator of plans prepared by a licensed architect and certification by a structural engineer that the dwelling roof will support anticipated loads.

SECTION 24-10 WIND ENERGY CONVERSION SYSTEMS

24-1001 Intent

In order to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety and welfare of the community, the city finds that these regulations are necessary in order to ensure that wind energy conversion systems are appropriately designed, sited and installed.

24-1002 General Regulations

- a. Permitted Use: A single turbine, small wind energy conversion system (rated capacity of up to one hundred (100) kilowatts) shall be allowed as an accessory use to a permitted principal use.
- b. Permit Required: It shall be unlawful to construct, erect, install, alter or locate any wind energy conversion system within the City of Ottawa, unless a building permit has been granted by the zoning administrator. The permit may be revoked any time the approved system does not comply with the rules set forth in this chapter and the conditions imposed. The owner of the wind energy conversion system must also obtain any other permits required by other federal, state and local agencies/departments prior to erecting the system.
- c. It shall be unlawful to erect or maintain a commercial wind energy conversion system within the City of Ottawa. Commercial wind energy conversion system is a wind energy conversion system which is intended to produce electricity for sale to a rate regulated or non-regulated utility or for use off site.
- d. Any proposed wind energy conversion system that cannot meet the requirements of this article may apply for a conditional use permit as established in Article 26.

24-1003 Bulk Regulations

- a. Minimum Lot Size: No small wind energy conversion systems shall be erected on a zoning lot smaller than one-half (½) acre.
- b. Setbacks: The minimum distance from any lot line to any tower, pole or other support structure of the wind energy conservation system shall be established by Table 24-1.
- c. Maximum Tower Height: Tower height shall be measured from the ground to the top of the tower, excluding the wind turbine generator and blades. The maximum tower height for small wind energy conversion systems shall be established by Table 24-1.

Table 24-1

Tower Height (feet)	Required Lot Size (acre)	Required Setback Distance (Feet)
60	½	70
70	1	80
80	2	100
100	3 or more	120

24-1004 Location

- a. No part of a wind energy conversion system shall be located on or over property lines. Any wind energy conversion system proposed to be located within or over drainage, utility or other established easements shall be subject to review by City staff.
- b. A wind energy conversion system shall be located rear of the principal structure on the lot.
- c. A wind energy conversion system shall not be located in any required setback.
- d. A wind energy conversion system shall be located in compliance with the guidelines of the federal aviation regulations with regard to airport approach and clearance around radio navigation stations.

24-1005 Design and Technical Standards

The following standards are required of all small wind energy systems and dispersed wind energy systems and shall be deemed to be conditions of approval of every small wind energy system:

- a. Color: The wind energy conversion system shall be white or light grey in color. The surface shall be non-reflective.
- b. Lighting: No lights shall be installed on the tower, unless required to meet FAA regulations.
- c. Signs: One sign, limited to four (4) square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the phone number of the property owner to call in case of emergency.
- d. Climbing Apparatus: All climbing apparatus shall be located at least twelve feet (12') above the ground, and the tower must be designed to prevent climbing within the first twelve feet (12').
- e. Maintenance: Facilities shall be well maintained in an operational condition that poses no potential safety hazard.
- f. Restriction On Use Of Electricity Generated: A wind energy conversion system shall be used exclusively to supply electrical power for on site consumption, except that when a parcel on which a wind energy conversion system is installed also receives electrical power supplied by a utility company, excess electrical power generated by the wind energy conversion system and not presently needed for on site use may be used by the utility company in accordance with their connection requirements.
- g. Clearance of Blade Aboveground: No portion of the small wind energy system blade shall extend within twenty feet (20') of the ground. No blades may extend over parking areas, driveways or sidewalks.
- h. Automatic Overspeed Controls: All wind energy conversion systems shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of the wind energy conversion system. All overspeed controls shall meet the requirements as set forth by the interconnected utility.
- i. Noise: For wind speeds in the range of 0-25 mph, small wind turbines shall not cause a sound pressure level in excess of 60 dB(A), or in excess of 5 dB(A) above the background

noise, whichever is greater, as measured at the closest neighboring inhabited dwelling. This level, however, may be exceeded during events such as utility outages and severe wind storms.

- j. **Electromagnetic Interference:** All blades shall be constructed of a nonmetallic substance. No wind energy conversion system shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind energy conversion system shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation. If it is determined that the wind energy conversion system is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the zoning administrator. The zoning administrator may revoke a permit approving a wind energy conversion system if electromagnetic interference from the wind energy conversion system becomes evident.
- k. **Interconnection:** The wind energy conversion system, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth by the interconnected utility.
- l. **Removal:** If the wind energy conversion system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense. Removal of the system includes the entire structure including foundations and transmission equipment. If removal of towers and appurtenant facilities is required, the zoning administrator shall notify the owner. If the city removes a tower and appurtenant facilities, it may sell the salvage to defray the cost of removal.
- m. **Right of Entrance:** As a condition of operating a wind energy conversion system, the owner irrevocably grants permission to the City to enter the property to remove the wind energy conversion system pursuant to the terms of the conditional use permit and to inspect for compliance with the conditions as established by the interconnected utility.

24-1006 Application and Approval Requirements

An application for a wind energy conversion system shall be made on the forms provided by the zoning administrator and shall be accompanied by the following information:

- a. A site plan, preferably based on a USGS one to two thousand four hundred (1:2,400) scale topographic map, showing the following:
 - 1. Complete property dimensions.
 - 2. Location and full dimensions of all buildings existing on property including exterior dimensions, height of buildings and all uses on property. Location and full dimensions of all buildings within two hundred feet (200') of the property including exterior dimensions, height and uses on property.
 - 3. Location and dimensions of any other natural or manmade features within two hundred feet (200') of the property such as trees, highways, streets, bridges and underpasses.

4. Proposed location of tower including height and setbacks.
 - b. Drawings, to scale, of the structure, including the tower, base, footings and guywires, if any. The drawings and any necessary calculations shall be certified by a licensed engineer as meeting the requirements of the City of Ottawa building code.
 - c. Line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation will meet the City of Ottawa electrical code.
 - d. Certification from a licensed engineer or qualified person that the rotor and overspeed control have been designed for the proposed use on the proposed site.
 - e. The proposed wind energy conversion system model shall have an operational history of at least one year.
 - f. The applicant shall notify the utility that the customer intends to install an interconnected customer owned generator, and that the generator meets the minimum requirements established by the interconnected utility.
 - g. A report or study from a qualified individual demonstrating that the site is feasible for a wind energy conversion system.
 - h. Evidence that the proposed wind energy conversion system will comply with applicable federal aviation regulations, including any necessary approvals from the federal aviation administration.
 - i. Any other evidence or information as required by the zoning administrator.
- (Section 24-10- added 02-04-09)