

ORDINANCE 07- 01

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF PENN FOREST TOWNSHIP, CARBON COUNTY, PENNSYLVANIA ENTITLED, "PENN FOREST TOWNSHIP ZONING ORDINANCE OF 1991" ("ZONING ORDINANCE").

BE IT ENACTED AND ORDAINED by Penn Forest Township, Carbon County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, that the following additions, deletions and amendments be made to the Zoning Ordinance (unless otherwise indicated all references are to sections in the Zoning Ordinance):

1. The following definitions shall be added to the Zoning Ordinance:

2.136.5 - "Hub Height" means the distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

2.186.8 - "Turbine Height" means the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

2.190.3 - "Wind Rotor" means the blades, plus the hub to which the blades are attached, that are used to capture wind for the purpose of energy conversion. The wind rotor is mounted on a pole or tower or other suitable structure along with other generating and electrical equipment to form a Wind Turbine.

2.190.8 - "Wind Turbine" means a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, wind rotor, tower, and pad transformer, if any.

2. In Schedule I (Regulations Governing the Use of Land), a Use Class 13.5 (Wind Turbine) shall be added. This use shall be permitted by special exception in all zoning districts.

3. Section 4.302 (Special Exception Uses) shall be amended by adding the following:

Use Class 13.5. Wind Turbines, when authorized by the Board, shall be permitted by special exception in all zoning districts, subject to the following conditions:

- (1) The Wind Turbine shall be independent of any structure and shall be located a minimum distance of one hundred ten (110%) percent times the Turbine Height from any structure or property line.
- (2) No part of the Wind Turbine shall be located within or above any required front, side or rear setback.
- (3) The minimum height of the lowest position of the wind rotor shall be twenty-five (25') feet above the ground.
- (4) Wind Turbines shall not be climbable up to twelve (12') feet above the ground surface.
- (5) To the extent applicable, the Wind Turbine shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended, and the regulations adopted by the Department of Labor and Industry.
- (6) The design of the Wind Turbine shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
- (7) Wind Turbines shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a

fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

- (8) All electrical components of the Wind Turbine shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- (9) Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.
- (10) Wind Turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- (11) Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, which sign shall have an area of less than two hundred (200) square inches.
- (12) On-site transmission and power lines shall, to the maximum extent practicable, be placed underground.
- (13) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (14) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10') feet from the ground.
- (15) The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Turbine.
- (16) When a building is necessary for storage cells or related mechanical equipment, the building must not exceed one hundred fifty (150) square feet in area, fifteen (15') feet in height, and must not be located within any required front, side, or rear setbacks.

- (17) The resultant energy harnessed from the wind shall only be used on the property on which the Wind Turbine is located.
- (18) The Wind Turbine shall comply with all other applicable regulations and requirements as set forth in the Zoning Ordinance. However, land development approval shall not be required under the Penn Forest Township Subdivision and Land Development Ordinance for a single Wind Turbine.
- (19) The landowner shall, at his expense, complete decommissioning of the Wind Turbine within twelve (12) months after the end of the useful life of the Wind Turbine. It shall be presumed that the Wind Turbine is at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
- (20) Decommissioning of the Wind Turbine shall include removal of the Wind Turbine, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36") inches, and any other associated facilities. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- (21) The Wind Turbine shall be subordinate to and located on the same lot occupied by the principal use to which it relates.
- (22) No more than one (1) Wind Turbine shall be located on any one (1) lot.

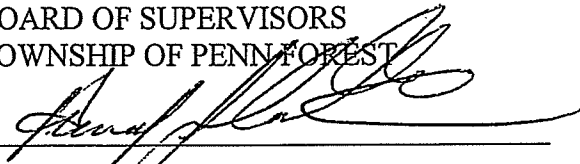
4. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

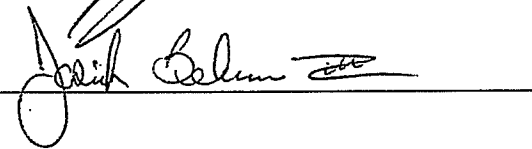
5. The Penn Forest Zoning Ordinance is amended in no other way.

6. This ordinance shall become effective five (5) days after its enactment.

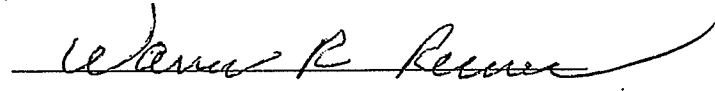
THIS ORDINANCE IS ENACTED AND ORDAINED this 5th day of
November, 2007.

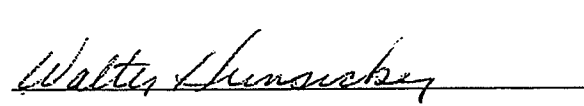
BOARD OF SUPERVISORS
TOWNSHIP OF PENN FOREST



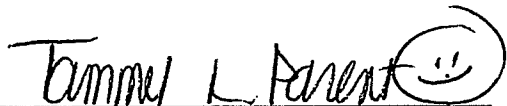








ATTEST:



Tammy Parent, Secretary