

BOROUGH OF NESQUEHONING
CARBON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2013-5

AN ORDINANCE of the Council of The Borough of Nesquehoning, Carbon County, Pennsylvania, amending THE NESQUEHONING ZONING ORDINANCE.

The following Sections are added:

SECTION 27-202

“Wind Energy Facility” means an electric generation facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

“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, rotor, tower and pad turbine, if any.

SECTION 27-609 OTHER SPECIAL USES

D. WIND ENERGY FACILITY --A Wind Energy Facility shall be considered a special use exception in all districts subject to the following restrictions:

- 1) Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.
- 2) Wind Energy Facilities shall be artificially lighted only to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- 3) Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner and Operator.
- 4) Clearly visible warning signs concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- 5) Wind Turbines shall be set back from the nearest occupied building a distance not less than the greater of the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the occupied building.

- a) Wind Turbines shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property a distance of not less than five(5) times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.
- b) All Wind Turbines shall be set back from the nearest property line a distance of not less than the greater of the maximum setback requirements for that zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.
- 6) Written certification shall be supplied by the applicant that the proposed Wind Turbine Generator(s) are safe and that the surrounding areas will not be negatively affected by structural failure, falling ice or other debris, electromagnetic fields, or disruption or loss of radio, telephone, television or similar signals.
- 7) Written certification shall be supplied by a Pennsylvania registered Professional engineer that the Wind Energy Facility will be constructed in accordance with accepted engineering practices and all requirements of any applicable construction codes and that all structures will conform to all applicable regulations.
- 8) The applicant shall provide copies of the required permits and licenses to the Borough which the applicant from the Federal Energy Regulatory Commission, the Pennsylvania Department of Environmental Protection and the Public Utility Commission.
- 9) The applicant shall provide to the Borough proof that compliance with all Federal and State regulations have been met with regard to the National Environmental Policy Act, Pennsylvania Natural Diversity Index Submission an Pennsylvania Historical and Museum Commission.
- 10) The applicant shall supply to the Borough documentation of the response to the Notice of Proposed Construction forms submitted to the FAA and the PA DOT Bureau of Aviation.
- 11) The Applicant shall submit a Soil and Sedimentation Control Plan and Storm Water Management Plan that complies with the requirements of the Carbon County Conservation District and the Pennsylvania Department of Environmental Protection.
- 12) As required by the Nesquehoning Borough Subdivision and Land Development Ordinance (SALDO), a Land Development Plan will be required to show structure location and any proposed access roads/profiles and the location of any utility easements.

The following sections are hereby amended:

Section 27-404 Land Use Activity Interpretation list of SIC Codes Table is hereby amended to include the SIC Code for a Wind Energy Facility under the appropriate land use category.

Section 27-I Zoning Schedule of Use Controls is hereby amended to include a Wind Energy Facility under the appropriate land use category. An S denoting a special use permitted by special exception is to be inserted in all applicable Zoning Districts

As to all other matters the Zoning Ordinance is hereby ratified and this Amendment shall be effective immediately upon adoption.

ORDERED AND ENACTED this 18th day of December, 2013.

BOROUGH OF NESQUEHONING

BY: Frank Jank

ATTEST: Richard Adams
SECRETARY

Examined and Approved this 18th day of December, 2013.

K. Tony Walsh
MAYOR