

1000-876. Windmill/wind turbine.

I. A commercial windmill/wind turbine shall be a permitted special exception subject to the following conditions and/or standards.

A. The minimum lot size for a commercial windmill/wind turbine shall be two (2) acres.

B. The top of a commercial windmill/wind turbine shall not exceed a height of three hundred (300) feet not including the blades.

C. 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. The setback distance shall be measured to the center of the wind turbine base. No commercial windmill/wind turbine shall be located where the center of the tower(s) is a distance of five (5) times the height of the windmill/wind turbine, excluding the blades from any off-site residence or commercial structure or two times the height. The owner of such existing residential or commercial structure shall have executed a non-disturbance easement, covenant or consent which has been recorded in the Office of the Recorder of Deeds of Fayette County.

D. Noise from any windmill/wind turbine shall not exceed fifty five (55) decibels (both dBA and dBC) at the lot line of a non-participating lot unless the non-participant shall have executed a non-disturbance easement, covenant or consent which has been recorded in the Office of the Recorder of Deeds of Fayette County.

E. The landowner and/or developer shall complete a view shed impact analysis as part of all potential commercial windmill/wind turbine development.

F. The landowner and/or developer shall complete a biological resource survey to identify and determine what conflicts are likely to occur with birds or other sensitive biologic resources.

G. The owner(s) and operator(s) of a windmill/wind turbine facility shall incorporate Best Management Practices (BMP) as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

H. The owner/developer shall be required to comply with all rules, laws and regulations with United States Federal Aviation Administration (FAA) requirements. Documentation of compliance shall be submitted to the Board.

I. No windmill/wind turbine facility shall be located within the airport hazard overlay.

J. The applicant shall submit written evidence of compliance with the National Historical

Preservation Act. A letter of consultation from the Pennsylvania Historical and Museum Commission will demonstrate compliance with this consultation requirement.

K. A windmill/wind turbine may not be located with ½ mile of a property or a district listed on the National Register of Historic Places. This provision may be waived by the Zoning Hearing Board if the applicant can demonstrate that the installation of a windmill/wind turbine would not be a significant intrusion on the public view of National Register Properties, historic buildings or on the historic landscapes surrounding each property. To be eligible for a waiver, the applicant must show consultation under the National Historic Preservation Act with the Federal Communications Commission, the Advisory Council on Historic Preservation and/or the Pennsylvania Historical and Museum Commission.

L. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to one hundred twenty five percent (125%) of the estimated Decommissioning Costs provided that at no point shall Decommissioning Funds be less than one hundred thousand dollars (\$100,000).

M. An independent and certified Professional Engineer shall be retained by the County to estimate the total cost of decommissioning without regard to salvage value of the equipment. The cost of said engineer shall be paid by the Facility Owner/Operator. Said estimates shall be submitted to the municipality, prior to receipt of the applicable building permit(s), after the first year of operation and every fifth year thereafter.

N. Decommissioning Funds shall be posted and maintained with a bonding company, provided that the bonding company is authorized to conduct such business within the Commonwealth and is approved by the municipality. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the municipality.

O. If a windmill/wind turbine remains unused for a period of twelve (12) consecutive months, the Facility Owner and Operator shall, at its expense, complete decommissioning of the windmill/wind turbine within six (6) months. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

P. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.

Q. 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.

R. If the Facility Owner or Operator fails to complete decommissioning within the appropriate period, the landowner shall have three (3) months to complete

decommissioning.

S. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the appropriate period, then the municipality may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the municipality shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the municipality may take such action as necessary to implement the decommissioning plan.

T. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

II. A residential windmill/wind turbine shall be a permitted by special exception subject to the following conditions and/or standards.

- A. The minimum lot size for a residential windmill/wind turbine shall be two (2) acres.
- B. The top of a residential windmill/wind turbine shall not exceed one hundred (100) feet in height not including the blades.
- C. The minimum setback for a residential windmill/wind turbine located on a residential lot shall be two (2) times the height excluding the blades from all property lines.
- D. No portion of the residential windmill/wind turbine shall extend within twenty feet of the ground. No blades may extend over parking areas, driveway or sidewalks.
- E. Noise from any residential windmill/wind turbine shall not exceed fifty-five (55) decibels (both dBA and dBC) when measured at the property line.
- F. The landowner and/or developer shall complete a biological resource survey to identify and determine what conflicts are likely to occur with birds or other sensitive biologic resources.
- G. The owner(s) and operator(s) of a windmill/wind turbine facility shall incorporate Best Management Practices (BMP) as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
- H. The owner/developer shall be required to comply with all rules, laws and regulations with United States Federal Aviation Administration (FAA) requirements. Documentation of compliance shall be submitted to the Board.
- I. No windmill/wind turbine facility shall be located within the airport hazard overlay.
- J. The applicant shall submit written evidence of compliance with the National Historical Preservation Act. A letter of consultation from the Pennsylvania Historical and Museum Commission will demonstrate compliance with this consultation requirement.
- K. A windmill/wind turbine may not be located with ½ mile of a property or a district listed on the National Register of Historic Places. This provision may be waived by the Zoning Hearing Board if the applicant can demonstrate that the installation of a windmill/wind turbine would not be a significant intrusion on the public view of National Register Properties, historic buildings or on the historic landscapes surrounding each property. To be eligible for a waiver, the applicant must show consultation under the National Historic Preservation Act with the Federal Communications Commission, the Advisory Council on Historic Preservation and/or the Pennsylvania Historical and Museum Commission.

L. The landowner and/or developer shall submit a site plan from a certified surveyor/engineer to the Office of Planning, Zoning and Community Development.