

**TOWNSHIP OF O'HARA
ALLEGHENY COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF O'HARA AMENDING AND RESTATING
ORDINANCE NO. 1237 WHICH AMENDED THE ZONING ORDINANCE NO. 1091 TO
PROVIDE REGULATIONS OF CERTAIN RENEWABLE ENERGY GENERATING STRUCTURES
AND FACILITIES**

WHEREAS, the **TOWNSHIP OF O'HARA COUNCIL** has reviewed the proposed zoning amendment;
and

WHEREAS, safe and effective use of wind energy systems, geothermal energy systems, and solar energy systems can reduce consumption of electricity provided through traditional sources, resulting in cost savings and environmental benefits;

WHEREAS, the Township of O'Hara Council finds it necessary to amend certain requirements for wind energy systems, solar energy systems and geothermal energy systems so that these renewable energy resources can be utilized in a manner that minimizes potential impacts;

WHEREAS, the Township Comprehensive Plan recommends that the Township's Zoning, and Subdivision and Land Development Ordinances encourage sustainable building practices; and

NOW, THEREFORE, in consideration of the foregoing, it is hereby ordained and enacted by the authority of the Council of the Township of O'Hara that Chapter 72, "Zoning" of the Township Code of Ordinances is hereby amended as follows.

SECTION I. Definitions

A. Article II, Section 72-2.9, Definitions, is modified by adding the following:

Geothermal Energy Facility – A generating facility capable of capturing and converting hydrothermal energy into hydronic or electrical energy sources.

Ice Throw – any ice gathered on the rotating blades of a wind turbine that detaches and is thrown.

Small Wind Turbine Device – shall mean and include small wind turbine devices, wind generators and systems producing from 1 to 100 kWh of electricity and which are designed to be attached to the principal or an accessory structure, and used solely to generate power to serve structure(s) located on the same lot.

Solar Energy Facility – An electric generating facility, with the purpose of generating electricity, or providing hot water heat, consisting of one or more, but not limited to solar panels, shingles, free-standing

arrays or smartflowers and other ancillary associated buildings and structures, including sub-stations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

Solar Flower (smartflowers) – a flower-shaped solar panel array that attracts the sun and is completely portable.

Turbine Height – the distance measured from the surface of the tower foundation to the highest point of the turbine rotor pane.

Wind Energy Facility – An electric generating facility, with the purpose of electricity supply, consisting of one or more wind turbines and other ancillary associated buildings and structures, including sub-stations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

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

Section II Permitted Accessory Uses

- A. Article IV (R-1 Special Residential District), Section 72-4.14.B is modified by adding the following:
 - 11. Geothermal Energy Facility (See Section 72-13.113)
 - 12. Solar Energy Facility (See Section 72-13.114)
 - 13. Wind Energy Facility (See Section 72-13.115)
 - 14. Small Wind Energy Facility (See Section 72-13.116)

- B. Article V (R-2 Suburban Residential District), Section 72-5.22.B is modified by adding the following:
 - 11. Geothermal Energy Facility (See Section 72-13.113)
 - 12. Solar Energy Facility (See Section 72-13.114)
 - 13. Small Wind Energy Facility (See Section 72-13.116)

- C. Article VI (R-3 Urban Residential District), Section 72-6.30.B is modified by adding the following:
 - 11. Geothermal Energy Facility (See Section 72-13.113)
 - 12. Solar Energy Facility (See Section 72-13.114)
 - 13. Small Wind Energy Facility (See Section 72-13.116)

- D. Article VII (CD-1 and CD-2 Conservation Districts), Section 72-7.38.C is modified by adding the following:
 - 11. Geothermal Energy Facility (See Section 72-13.113)
 - 12. Solar Energy Facility (See Section 72-13.114)
 - 13. Wind Energy Facility (See Section 72-13.115)

- 14. Small Wind Energy Facility (See Section 72-13.116)

- E. Article VIII (C Commercial District), Section 72-8.47.B is modified by adding the following:
 - 6. Geothermal Energy Facility (See Section 72-13.113)
 - 7. Solar Energy Facility (See Section 72-13.114)
 - 8. Small Wind Energy Facility (See Section 72-13.116)

- F. Article IX (SM Suburban Manufacturing District), Section 72-9.54.B is modified by adding the following:
 - 8. Geothermal Energy Facility (See Section 72-13.113)
 - 9. Solar Energy Facility (See Section 72-13.114)
 - 10. Wind Energy Facility (See Section 72-13.115)
 - 11. Small Wind Energy Facility (See Section 72-13.116)

- G. Article X (Planned Residential Development), is modified by adding the following:
 - Section 72-10.63.C.1 PRD-2, Permitted Uses:
 - l. Geothermal Energy Facility
 - m. Solar Energy Facility
 - n. Small Wind Energy Facility (See Section 72-13.116)

 - Section 72-10.63.C.2 PRD-2, Permitted Mix of Uses:
 - c. Geothermal Energy Facility
 - d. Solar Energy Facility
 - e. Small Wind Energy Facility (See Section 72-13.116)

 - Section 72-10.63.D.1 PRD-3, Permitted Uses:
 - h. Geothermal Energy Facility
 - i. Solar Energy Facility
 - j. Small Wind Energy Facility (See Section 72-13.116)

 - Section 72-10.63.D.2 PRD-3, Permitted Mix of Uses:
 - b. Geothermal Energy Facility
 - c. Solar Energy Facility
 - d. Small Wind Energy Facility (See Section 72-13.116)

- H. Article XI (Lot Averaging), is modified by adding the following:
 - Section 72-11.72.M
 - 1. Geothermal Energy Facility
 - 2. Solar Energy Facility
 - 3. Small Wind Energy Facility (See Section 72-13.116)

- I. Article XII (Riverfront Unit Development), is modified by adding the following:
 - Section 72-12.79.G

- 25. Geothermal Energy Facility
- 26. Solar Energy Facility

Section III Permitted Conditional Uses as the Principal Use

- A. Article VII (CD-1 Conservation District), Section 72-7.39 is modified by adding the following:
 - G. Geothermal Energy Facility (See Sections 72-13.103, 72-13.113.1)
 - H. Solar Energy Facility (See Sections 72-13.103, 72-13.114.1)
 - I. Wind Energy Facility (See Sections 72-13.103, 72-13.115.1)

- B. Article VII (CD-2 Conservation District), Section 72-7.40 is modified by adding the following:
 - D. Geothermal Energy Facility (See Sections 72-13.103, 72-13.113.1)
 - E. Solar Energy Facility (See Sections 72-13.103, 72-13.114.1)
 - F. Wind Energy Facility (See Sections 72-13.103, 72-13.115.1)

- C. Article VIII (C Commercial District), Section 72-8.48 is modified by adding the following:
 - S. Geothermal Energy Facility (See Sections 72-13.103, 72-13.113.1)
 - T. Solar Energy Facility (See Sections 72-13.103, 72-13.114.1)
 - U. Wind Energy Facility (See Sections 72-13.103, 72-13.115.1)

- D. Article IX (SM Suburban Manufacturing District), Section 72-9.55 is modified by adding the following:
 - J. Geothermal Energy Facility (See Sections 72-13.103, 72-13.113.1)
 - K. Solar Energy Facility (See Sections 72-13.103, 72-13.114.1)
 - L. Wind Energy Facility (See Sections 72-13.103, 72-13.115.1)

Section IV Supplemental Regulations

Article XIII is modified by adding the following new Sections:

Section 72-13.113 Geothermal Energy Facility – Permitted Accessory Use

- A. Township zoning approval is required for the construction of any geothermal energy facility that is an accessory use on any site or lot.
 - a. The Zoning Permit Application shall indicate the location of the proposed facility.

- B. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility’s impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.

- C. Noise from any geothermal energy facility shall not exceed 45 decibels at the lot line. A sound level meter, dosimeter or other similar device may be used for measuring and reporting acoustic emissions from the geothermal energy facility.
- D. Geothermal energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6" x 6" in size.
- E. To the extent applicable, all geothermal energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.
- F. All electrical components of geothermal energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.
- G. Geothermal energy facilities shall meet the accessory structure setbacks that may apply in the zoning district within which the facility is constructed and where no such setback is specified, the facility shall be no closer than (10) ten feet from any property line.
- H. No facility shall be installed closer than ten feet (10') to a swimming pool or other open body of water.

Section 72-13.113.1 Geothermal Energy Facility – Permitted Conditional Use as the Principal Use

- A. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.
- B. Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
- C. Noise from any geothermal energy facility shall not exceed 45 decibels at the lot line. A sound level meter, dosimeter or other similar device may be used for measuring and reporting acoustic emissions from the geothermal energy facility.
- D. To the extent applicable, all geothermal energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.
- E. All electrical components of geothermal energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.

- F. Geothermal energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6" x 6" in size.

- G. The following project information shall be submitted to the Township for every proposed geothermal energy facility,
 - a. Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the geothermal energy system.
 - b. An affidavit or similar evidence of agreement between the property owner and the geothermal energy facility owner or operator, demonstrating permission to apply for necessary permits for construction and operation of a geothermal energy facility.
 - c. Identification of the properties on which the proposed facility will be located and the properties adjacent to the proposed location.
 - d. A site plan showing the planned location of each proposed geothermal energy facility, property lines, setback lines, access roads, and the location of any ancillary structures, including equipment, cabling, buildings, structures, transmission lines, and substations.
 - e. A view shed impact analysis, illustrating views of the proposed facility from multiple angles.
 - f. A design certification by a certified engineer, consisting of the proposed foundation design and analysis of soil conditions.

- H. Preliminary and Final Land Development approval is required for the construction of any geothermal energy facility when it is the principal use on a site or lot.

- I. All geothermal energy facilities and any associated equipment shall comply with all area, dimensional, and yard setbacks for the zoning district in which the facility is located, as well as any other zoning provisions that apply, including buffering and landscaping.
 - a. Required landscape buffering may be modified so that tall tree species may be replaced with lower-growing tree species where the required tree species may interfere with the functioning of the geothermal energy facility, only where the required landscape buffer is adjacent to property where non-residential uses are permitted.

- J. Secure perimeter fencing shall be installed around the geothermal energy facility. The fencing shall not be constructed within any required landscape buffer or setback. The fencing shall be chain link construction with rubberized coating in neutral earth tone colors such as black or brown.

Section 72-13.114 **Solar Energy Facility, Accessory Use**

- A. Township zoning approval is required for the construction of any solar energy facility that is an accessory use on any site or lot.
 - a. The Zoning Permit Application shall indicate the location of the proposed facility, including the percentage of roof coverage, if the facility is mounted on a building.
- B. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.
- C. Noise from any solar energy facility shall not exceed 45 decibels at the lot line. A sound level meter, dosimeter, or similar device may be used for measuring and reporting acoustic emissions from the solar energy facility.
- D. Construction of any solar energy facility shall comply with all applicable rules, laws and regulations of the United States Federal Aviation Administration, documentation of compliance shall be provided to Township.
- E. To the extent applicable, all solar energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.
- F. All electrical components of solar energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.
- G. Solar energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- H. Solar energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6" x 6" in size.
- I. Where installed on the roof of a building, no solar panel shall be installed such that more than 75% of the roof area is covered by the panels. Solar panel shall be set back 3' from all edges of the roof.
- J. Where solar roofing shingles are installed on the roof of a building the shingles shall be installed such that 100% of the visible roof from the street shall be covered by the solar roofing shingles, whether active or not. Identical non-solar shingles must be used 3' from all edges of the roof and shall be utilized to cover visible roof not being used for solar energy.

- K. Any solar energy facility installed on a roof of a building shall comply with the height requirements of the zoning district in which the property is located.
- L. No solar energy facility or facilities may exceed in total 30% of the total site and in no case shall exceed the maximum lot coverage for the district in which the property is located.
- M. Solar energy facilities shall meet the accessory structure setbacks and other regulations that may apply in the zoning district which the facility is constructed and where no such setback is specified, the facility shall be no closer than (15) fifteen feet from any property line.
- N. No facility shall be attached to a tree or any other natural object or structure not intended to support such a facility.
- O. No facility shall be installed closer than ten feet (10') to a swimming pool or other open body of water.

Section 72-13.114.1 Solar Energy Facility - Permitted Conditional Use as the Principal Use

- A. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.
- B. Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
- C. Noise from any solar energy facility shall not exceed 45 decibels at the lot line. A sound level meter, dosimeter or other similar device may be used for measuring and reporting acoustic emissions from a solar energy facility.
- D. Construction of any solar energy facility shall comply with all applicable rules, laws and regulations of the United States Federal Aviation Administration, documentation of compliance shall be provided to Township.
- E. To the extent applicable, all solar energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.
- F. All electrical components of solar energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.

- G. Solar energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- H. Solar energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6" x 6" in size.
- I. The following project information shall be submitted to the Township for every proposed solar energy facility:
 - a. Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the solar energy system.
 - b. An affidavit or similar evidence of agreement between the property owner and the solar energy facility owner or operator, demonstrating permission to apply for necessary permits for construction and operation of a solar energy facility.
 - c. Identification of the properties on which the proposed facility will be located and the properties adjacent to the proposed location.
 - d. A site plan showing the planned location of each proposed solar energy facility, property lines, setback lines, access roads, and the location of any ancillary structures, including equipment, cabling, buildings, structures, transmission lines, and substations.
 - e. A view shed impact analysis, illustrating views of the proposed facility from multiple angles.
 - f. A design certification by a certified engineer, consisting of the proposed foundation design and analysis of soil conditions.
- J. Solar Energy Facilities shall not exceed a maximum height of 15 feet, measured from the ground to the tallest point of the facility.
- K. Preliminary and Final Land Development approvals are required for the construction of any solar energy facility when it is the principal use on a site or lot.
- L. All solar energy facilities and any associated equipment shall comply with all area, dimensional, and yard setbacks for the zoning district in which the facility is located, as well as any other zoning provisions that apply, including buffering and landscaping.
 - a. Required landscape buffering may be modified so that tall tree species may be replaced with lower-growing tree species where the required tree species may interfere with the functioning of the solar energy facility, only where the required landscape buffer is adjacent to property where non-residential uses are permitted.

- M. Secure perimeter fencing shall be installed around the solar energy facility. The fencing shall not be constructed within any required landscape buffer or setback. The fencing shall be chain link construction with rubberized coating in neutral earth tone colors such as black or brown.

Section 72-13.115 Wind Energy Facility - Accessory Use (Stand-alone wind turbine)

- A. Township Zoning Approval is required prior to the construction of any wind energy facility on any site or lot.
 - a. The Zoning Permit Application shall indicate the location of the proposed facility.
- B. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility’s impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.
- C. Noise from any wind energy facility shall not exceed 45 decibels at the lot line. A sound level meter, dosimeter, or similar device may be used for measuring and reporting acoustic emissions from the solar energy facility.
- D. Construction of any wind energy facility shall comply with all rules, laws and regulations of the United States Federal Aviation Administration. Documentation of compliance shall be provided to the Township.
- E. Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- F. To the extent applicable, all wind energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.
- G. All electrical components of wind energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.
- H. Wind energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6” x 6” in size.
- I. Yard /Setbacks Requirements:
 - a. Minimum lot area 2 Acres
 - b. From buildings: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any moveable or immobile part; except where the facility is mounted to a building, the setback shall not

- be required between the facility and the building to which it is attached or the principal structure setback for the district, whichever is greater.
- c. From property lines: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any moveable or immobile part or the principal structure setback for the district, whichever is greater.
 - d. From public roads: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any moveable or immobile part or the principal structure setback for the district, whichever is greater.
 - e. Each vertically oriented wind energy facility mounted on a building shall be separated from any other wind energy facility by 1.1 times the height of the facility, measured from the point at which the facility is mounted to the building, to the highest reach of any moveable or immobile part of the facility.
 - f. Any wind energy facility that is an accessory structure shall meet the applicable accessory structure setbacks that may apply in the zoning district within which the facility is constructed and where no setback is specified, the facility shall be no closer than 15 feet from the property line or the distance set forth above being 1.1 times the height of the facility, measured from the base to the highest moveable or immobile part, whichever is greater.
- J. Maximum height: Where the facility is an independent structure and not mounted to a building, 30 feet maximum height in residential and C – Commercial zoning districts and 40 feet maximum height in the SM-Suburban Manufacturing Districts, measured from ground level to the tip of the wind energy facility’s blade fully extended perpendicular to the ground plane. Where the facility is mounted to a building, the maximum height at the tallest point on the building shall be 30 feet high.
- K. Minimum vertical clearance between ground level and the lowest moveable component of the wind energy facility when at its lowest point: 15 feet; where the facility is mounted to a building, the minimum vertical clearance between the building and the lowest moveable component of the wind energy facility when at its lowest point: 5 feet.
- L. Ice throw from rotating wind turbine blades must be limited to within the subject property.
- M. The color shall be a neutral and non-reflective tone, such as white, off-white or gray. The facility coloring shall be solid and any alphabetical or numerical characters shall be representative of the facility manufacturer only and shall comprise no more than one square foot in size.
- N. No more than two (2) wind turbines shall be permitted on any one (1) property.

Section 72-13.115.1 Wind Energy Facility – Permitted Conditional Use as the Principal Use

- A. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility’s impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.
- B. Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
- C. Noise from any facility shall not exceed 50 decibels at the lot line adjacent to any lot in a non-residential zoning district and 45 decibels at the lot line adjacent to any lot in a residential zoning district. A sound level meter, dosimeter, or similar device may be used for measuring and reporting acoustic emissions from the solar energy facility.
- D. Construction of any wind energy facility shall comply with all rules, laws and regulations of the United States Federal Aviation Administration. Documentation of compliance shall be provided to the Township.
- E. To the extent applicable, all wind energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.
- F. All electrical components of wind energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.
- G. Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- H. Wind energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6” x 6” in size.
- I. Preliminary and Final Land Development Approval is required for the construction of any wind energy facility when it is the principal use on a site or lot.
- J. Yard/Setback Requirements
 - a. Minimum Lot Area 2 Acres
 - b. Maximum Density 1 Facility/3.66 square miles
 - c. All setbacks shall be measured from the center of any wind energy facility base to the nearest point on the foundation of a building or property line
 - d. From off Premises Buildings: 1.5 times the height of the wind energy facility at its tallest point or the setback for the district in which the facility is located, whichever is greater

- e. From Property Lines: 1.1 times the height of the wind energy facility at its tallest point or the setback for the district in which the facility is located, whichever is greater
 - f. From Public Roads: 1.1 times the height of the wind energy facility at its tallest point or the setback for the district in which the facility is located, whichever is greater
- K. The maximum height of any wind energy facility, measured from ground level to the tip of the blade fully extended perpendicular to the ground plane, shall not exceed the maximum height of any structure as defined in the Township Zoning Ordinance for the applicable zoning district.
- L. Any individual wind energy facility shall be separated from any other wind energy facility by a minimum of 1.1 times the height of the facility, measured from the tips of the blades when the blades are parallel with ground level.
- M. No moving parts of the wind energy facility shall extend over parking areas, driveways, roads, sidewalks, or any other publicly accessible area, except access ways necessary to service the facility.
- N. The facility coloring shall be solid neutral tones such as white, off-white, or gray. Any alphabetical or numeric characters shall be representative of the facility manufacturer only and shall comprise no more than four square feet.
- O. The following project information shall be submitted to the Township for every proposed wind energy facility.
- a. Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the wind energy system.
 - b. An affidavit or similar evidence of agreement between the property owner and the wind energy facility owner or operator, demonstrating permission to apply for necessary permits for construction and operation of a wind energy facility.
 - c. Identification of the properties on which the proposed facility will be located and the properties adjacent to the proposed location.
 - d. A site plan showing the planned location of each proposed wind energy facility, property lines, setback lines, access roads, and the location of any ancillary structures, including equipment, cabling, buildings, structures, transmission lines, and substations.
 - e. A view shed impact analysis, illustrating views of the proposed facility from multiple angles.
 - f. A design certification by a certified engineer, consisting of the proposed foundation design and analysis of soil conditions.

- P. Decommissioning Funds shall be posted and maintained with the Township in an account equal to one hundred twenty-five percent of the estimated decommissioning costs, for as long as the facility exists, regardless of change of ownership of the facility or property on which it sits. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations and any other associated facilities.
 - a. An independent and certified professional engineer shall estimate the total cost of decommissioning without regard to salvage value or the equipment.
 - b. Decommissioning funds shall be deposited into a refundable escrow of same amount with the Township.
 - c. If the wind energy system remains unused for a period of twelve consecutive months, the owner, operator, or property owner shall, at its expense, complete decommissioning of the system within six months. The wind energy system will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twenty-four months.
 - d. If the facility owner, operator, or property owner shall fail to appropriately complete decommissioning, the Township may take such action as necessary to complete the decommissioning. The entry into and submission of evidence of a Participating Landowner Agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors, and assigns, that the Township may take such action as necessary to implement the decommissioning.
- Q. There shall be no components attached or integral to the facility that facilitates unauthorized access to the structure, such as ladders or steps.
- R. All access doors to wind energy facilities and electrical equipment shall be located or fenced as appropriate, to prevent entry by unauthorized persons.

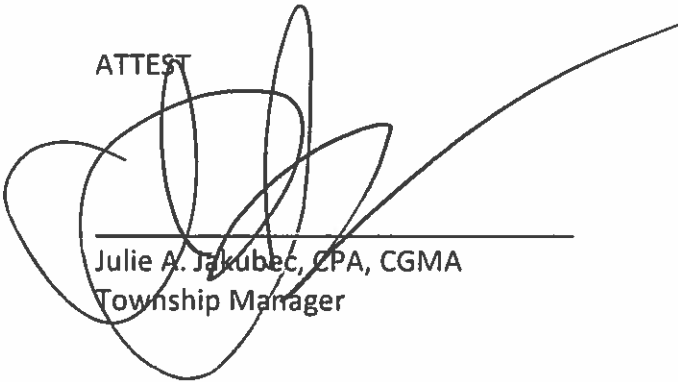
Section 72-13.116 *Small Wind Energy Facility, Accessory Use (Attached to building)*

- A. Township approval is required prior to the construction of any small wind energy facility on any site or lot.
- B. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, noise and screening of ground mounted electrical control equipment.
- C. Noise from any small wind energy facility shall not exceed 45 decibels at the lot line. A sound level meter, dosimeter, or similar device may be used for measuring and reporting acoustic emissions from the solar energy facility.

- D. Construction of any small wind energy facility shall comply with all rules, laws and regulations of the United States Federal Aviation Administration. Documentation of compliance shall be provided to the Township.
- E. To the extent applicable, all small wind energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.
- F. All electrical components of small wind energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.
- G. Small wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- H. Small wind energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6" x 6" in size.
- I. Yard and Setback Requirements:
 - a. Such devices shall be set back a minimum distance of 1.1 times the total height of the device and all equipment mounted thereon from all adjacent property lines and from public or private street right-of-way lines. The total height shall include the height of any structure that a device is mounted on.
 - b. Such devices shall be set back from any accessory structure(s) on the subject lot not less than 1.1 times the total height of the device. The setback distance shall be measured from the center of the wind turbine base to the nearest point of the foundation of any accessory structure(s).
 - c. Minimum vertical clearance between the building and the exposed lowest moveable component of the wind energy facility when at its lowest point: 5 feet.
 - d. Small Wind Energy Facilities shall not exceed a maximum height of 30 feet measured from the ground to the tallest point on the facility.
- J. Ice throw from small wind turbine blades must be limited to within the subject property.
- K. The color shall be a neutral and non-reflective tone, such as white, off-white or gray. The facility coloring shall be solid and any alphabetical or numerical characters shall be representative of the facility manufacturer only and shall comprise no more than one square foot in size.
- L. No more than two (2) small wind turbines shall be permitted on any one (1) property.

ORDAINED AND ENACTED INTO LAW this 9th day of May, 2017, by Council vote of 7 to 0.

ATTEST



Julie A. Jakubec, CPA, CGMA
Township Manager

TOWNSHIP OF O'HARA



Robert John Smith
President of Council



First Reading	<u>Denny, Jr. – Garcia</u>	<u>6 – 0</u>	<u>04/11/2017</u>
Public Hearing	<u>05/09/2017</u>		
Second Reading and Adoption	<u>Eccles – Denny, Jr.</u>	<u>7 - 0</u>	<u>05/09/2017</u>
Advertised	<u>05/18/2017</u>	Codified	_____