

TO BE PUBLISHED November 16, 2011

PUBLIC NOTICE

In reference to Ordinance No. 11-765, notice is hereby given that the City Commission of the City of Goodlettsville, Tennessee will hold a public hearing at 6:30 PM on December 8, 2011 in Massie Chambers at Goodlettsville City Hall for the purpose of discussing and hearing comments from the citizens on the proposed amendments to the Goodlettsville Zoning Ordinance relative to wind energy facilities within the City of Goodlettsville. The Goodlettsville Municipal Regional Planning Commission recommended this proposed amendment to the Goodlettsville City Commission on May 2, 2011. The proposed amendment and public hearing are being conducted pursuant to the laws of the State of Tennessee (TCA 13-7-203 and 13-7-204) and the City of Goodlettsville, Tennessee. Copies of the proposed amendment are available for inspection at the following locations: City of Goodlettsville City Manager's Office, City Recorder's Office and Planning Office at 105 South Main Street, Goodlettsville, TN 37072.

ORDINANCE NO. 11-765

AN ORDINANCE TO AMEND ORDINANCE 06-674 AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF GOODLETTSVILLE, BY AMENDING LANGUAGE RELATIVE TO WIND ENERGY FACILITIES IN GOODLETTSVILLE, TENNESSEE.

WHEREAS, wind energy is an abundant, renewable, and nonpolluting energy resource, and;

WHEREAS, the conversion of wind to electricity will reduce our nation's dependence on non-renewable energy sources, and;

WHEREAS, wind energy facilities can enhance the reliability and power quality of the nation's power grid, reduce peak power demands, and help diversify the State of Tennessee's energy supply portfolio, and;

WHEREAS, wind energy facilities need to be placed, designed, constructed, monitored, and, if abandoned, removed to address public safety and to minimize impacts on surrounding uses, including residential uses, commercial uses, scenic, natural, and historic resources, and;

WHEREAS, The Goodlettsville Planning Commission has reviewed and discussed this proposed amendment and voted to recommend its passage to the Board of Commissioners.

NOW, THEREFORE, BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE, AS FOLLOWS:

SECTION 1. That Ordinance No. O6-674 adopted on second and final reading on June 22, 2006, being the municipal zoning ordinance of Goodlettsville, Tennessee, be and the same is hereby amended by adding Section 14-208(8) "Wind Turbine Facilities" as follows:

a. Purpose

The purpose of this ordinance is to establish general guidelines for the siting of wind turbine facilities in Goodlettsville. The goals of this ordinance are to: (1) protect residential areas and land uses from potential adverse impacts of wind turbine facilities; (2) encourage users of wind turbine facilities to configure them in a way that minimizes the adverse visual impact of the wind turbine facilities through careful design, siting and landscape screening; (3) consider the public health and safety of wind turbine facilities; and (4) avoid potential damage to adjacent properties from wind turbine facility failure through engineering and careful siting of wind turbine structures.

b. Definitions. The following definitions related to wind energy facilities shall apply:

Blade Glint: the intermittent reflection of the sun off the surface of the blades of a single or multiple wind turbine(s).

Distance: a measurement made in a straight line, without regard to intervening structures or objects, from the wind turbine's center toward the specified distance required by this title.

Height: the vertical distance from pre-development grade to the tip

of the wind turbine blade at its highest point, or blade-tip height, whichever is higher.

Nacelle Body: the structure at the top of the wind turbine that is separate from the blades and comprises the rotor shaft, gearbox, and generator.

Occupied Building: a residence, church, hospital, school, day-care, community education facility, or library.

Shadow Flicker: the effect when the blades of an operating wind turbine pass between the sun and an observer, casting a readily observable, moving shadow on the observer and his/her immediate environment

Wind Energy Facility: a wind turbine and all associated equipment, machinery and structures utilized to convert wind to electricity. This includes, but is not limited to, towers, transmission, storage, collection and supply equipment, substations, transformers, and service and access roads.

Wind Energy Facility (small): a wind energy facility consisting of one tower, one turbine, and having a rated capacity of not more than 100kW.

Wind Energy Facility (utility): a wind energy facility consisting of two or more towers with turbines, or having a rated capacity of 100kW or more, and where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

Wind Turbine: a device that converts kinetic wind energy into rotational energy to drive an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

Section 2. "Wind Energy Facility (small)" shall be a conditional use permitted in all zoning districts and "Wind Energy Facility (utility)" shall be a conditional use permitted only within commercial and industrial districts.

Section 3. Wind Energy Facility

a. Applicability. The wind energy facility shall comply with the standards of this ordinance and the Goodlettsville Zoning Ordinance. The conditional use permit request shall be accompanied by a written document that identifies and describes the facility's compliance with the standards. Where compliance is not possible, the document will detail why the standards cannot be met, and what alternative standards are proposed by the applicant.

b. Height. The height of any facility, whether building or tower-mounted, shall not exceed fifteen (15) feet above the maximum building height allowed for the principal use in the subject zoning district.

c. Setback. The facility shall not be sited within (a) a distance equal to the height of the facility from any occupied buildings, or private ways that are not part of the wind energy facility; or (b) one point five times (1.5x) the facility's height from the nearest property line, whichever is greater.

d. Location. Wind energy facilities shall be permitted only in the rear yard of any lot.

e. Guy Wires. No guy wire anchors shall extend closer than five (5) feet to the property line. All outer and innermost guy wires must be marked and clearly visible to a height of six (6) feet above the guy wire anchors.

f. Signs and Advertising. An information sign identifying the facility owner, facility manufacturer, and a 24-hour emergency contact phone number, along with warning sign(s) shall be required on the facility. In addition, an educational sign may be provided about the facility and the benefits of renewable energy. All such signs shall comply with the base zoning district's sign regulations for a non-residential use. No other advertising signs shall be allowed on or around the facility.

g. Lighting. No lighting of the facility shall be permitted, except warning lights as required by state or federal law.

h. Appearance. All components of the facility shall be in a neutral, non-reflective exterior color designed to blend with the surrounding environment.

i. Noise. The facility shall not generate noise in excess of 60 decibels (dBA) measured at the closest neighboring occupied building, except during short-term events such as utility outages and severe windstorms.

j. Shadow, Blade Glint, and Flicker. The facility shall be sited to minimize shadow, blade glint, and flicker impacts on any property within a minimum distance of 600 feet of the site property line.

k. Utility Notification Plan. No wind energy facility shall be installed until the Nashville Electrical Service approves the applicant's site plan.

l. Emergency Plan. The facility shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.

m. Abandonment. The applicant or property owner shall provide proof of the establishment of a financially secure and legally enforceable method of removing a wind energy facility when it ceases to be used for a period of twelve (12) consecutive months. This financial assurance can be provided through a sinking fund, a lien upon land which has a greater unencumbered appraised value than the cost of removal of the wind energy facility, a removal bond, a letter of credit or any alternative financial arrangement

which is approved by the City of Goodlettsville. If the applicant or landowner owns more than one (1) wind energy facility, a blanket removal bond or alternative financial assurance may cover multiple sites.

n. Site Plan. No wind energy facility shall be erected, constructed, installed or modified as provided in this section without first undergoing site plan review and obtaining a building permit. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Tennessee as a mechanical, structural, or civil engineer. The required site plan shall show, identify, display, dimension, and/or demonstrate the following:

1. All property lines and existing buildings/structures on site and within 600 feet of the site. For buildings/structures, the purpose of each will be labeled on the plan as well as the distance of each from the facility.

2. Location of the proposed tower, foundations, guy anchors, access roads, and associated equipment on the site parcel and within 600 feet of its boundary.

3. Any existing overhead utility lines;

4. Existing areas of tree cover, including average height of trees, on the site parcel and any adjacent parcels within a distance, measured from the wind turbine foundation, of one point five times (1.5x) the height of the wind turbine;

5. Location of each existing wind energy facility, regardless of size or operational condition that are within 2,000 feet of the proposed facility

6. Proposed changes to the landscape of the site, grading, screening, vegetation clearing and planting, and any required FAA lights;

7. Tower foundation blueprints or drawings signed by a professional engineer licensed to practice in the State of Tennessee as a mechanical, structural, or civil engineer demonstrating the facility is designed to meet the most stringent wind requirements;

8. A statement by an engineer licensed in the State of Tennessee certifying that the proposed wind turbine will meet the noise standard established by this section. The engineer shall be certified by the Institute of the Noise Control Engineering of the USA (INCE/USA).

9. One or three line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

10. Documentation of the wind energy facility's manufacturer and model, rotor diameter, tower height, tower type (freestanding or

guyed), and foundation type/dimensions;

11. Photo visualizations of the facility pre- and post-construction shall be provided by the applicant in color showing how the facility will look, once installed. The visualizations will be from a minimum of three sight lines, including the nearest occupied building with a view of the wind facility, excluding buildings owned by the applicant or property owner.

12. An operation and maintenance plan shall be submitted for the facility.

SECTION 4. That the Commissioners of the City of Goodlettsville, Tennessee, hereby certify that this Ordinance has been submitted to the Planning Commission of the City of Goodlettsville for a recommendation, and a notice of hearing thereon has been ordered after at least fifteen (15) days notice of the time and place of said meeting has been published in a newspaper circulated in the City of Goodlettsville, Tennessee. This Ordinance shall take effect fifteen (15) days from the date of its final passage, the public welfare demanding it.

SECTION 5. If any section, clause, provision, or portion of this Ordinance is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion, of this Ordinance which is not itself invalid or unconstitutional.

SECTION 6. In case of conflict between this Ordinance or any part thereof and the whole or part of any existing or future Ordinance of the City of Goodlettsville, the most restrictive shall in all cases apply.

MAYOR

CITY RECORDER

APPROVED AS TO LEGALITY AND FORM:

CITY ATTORNEY

Passed First Reading: November 10, 2011

Passed Second Reading: