

CARBONDALE TOWNSHIP
ZONING ORDINANCE AMENDMENT

ORDINANCE 1, 2019

Article 2, Section 2.200, Zoning Map

The zoning map of Carbondale Township is hereby amended, as follows::

Beginning at a point in the line common to Carbondale Township and Fell Township, said point also being a common corner to parcels 5562945341 and 5572015951. Then along the line of parcel 5572015951 in a south east direction approximately 1,600 ft to a corner common to parcel 5572037164. Then continuing along the line of parcel 5572037164 south east approximately 550 ft, then 650 ft then 1,300 ft. Continuing along the line of parcel 5572037164 in south west direction approximately 1,000 ft, then continuing in a south east direction approximately 1,250 ft to the line of parcel 5572406865. Then along the line of parcel 5572406865 in a northeast directions approximately 750 ft, then continuing on that alignment into parcel 5572406865 approximately 2,450 ft to a point, then continuing through parcel 5572406865 in a south east direction approximately 4,500 ft to a point in the line common to the City of Carbondale and Carbondale Township, then along that line in a north east direction approximately 3,400 ft. Then continuing through parcel 5572406865 in a north west direction approximately 2,250 ft to a point at a corner of parcel 5572406865, then continuing along that parcel in a north west direction approximately 2,250 ft to a point at a corner of parcel 5572406865, common to the line between Carbondale Township and Fell Township. Then along that common line approximately 6,500 ft to the place of beginning.

Add Article 5A Wind Farms and Windmills

5.100A Purpose

5.101A The purpose of these regulations is to enable the Township to regulate wind farms within the Township, to encourage the siting of wind farms in nonresidential areas, to address the safety, visual and aesthetic aspects of such facilities, and to provide for public input in the process of siting wind farms.

5.102A The Board of Township Supervisors has determined that such regulation is needed to protect schools, parks, churches, playgrounds, sites, and structures; to preserve scenic areas; to minimize aesthetic impacts; to preserve the health and safety of residents; and to respect the need of wind farm developers to provide for suitable sites, while not unreasonably limiting competition among them.

5.103A The Board of Township Supervisors declares that the protection of residential dwellings is of paramount importance and that any local regulations of wind farms must furnish all possible protection for residential areas and further declares that these regulations are to be interpreted to favor protection of residential dwellings. The Township

shall, before issuing a permit for any wind farms affecting a dwelling, satisfy itself that all other alternatives have been exhausted.

5.110A Location; Applicability, Exemption

5.111A Wind farms shall be permitted only as Special Exceptions in the S-2 Zone. zone(s)

5.112A In addition to the requirements of this Ordinance wind farms shall be subject to all other applicable local, state and federal requirements

5.113A A windmill accessory to a principal structure which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory shall be permitted in all zones as a Special Exception on a parcel of not less than two (2) acres.

5.114A On-site transmission and power lines between wind turbines shall, to the maximum extent possible, be placed underground.

5.120A Permit; Procedure; Fees;

5.121A Permits; - A zoning permit as well as a building permit shall be required for every wind farm and each individual windmill installed at any location in the Township.

5.122A Procedure; Hearing – In accordance with the procedures for Special Exceptions, the Township zoning Officer shall refer all such applications to the Township Planning Commission for their review and comment, and to the Zoning Hearing Board which shall conduct a hearing pursuant to public notice within forty-five (45) days after the submission of a formal, complete application, including such technical information from the applicant as may be required by this Ordinance. Wind farms and accessory windmills shall be reviewed and approved by the Zoning Hearing Board in accordance with the procedures for Special Exceptions

- a. The hearing notice shall indicate that the application may be examined at 100 Main Street, Childs, PA. 18407. and that further information is available at the Township Zoning officer's office by appointment.
- b. The Zoning Hearing Board shall approve, approve with conditions, or disapprove the application under the provisions of this ordinance within sixty (60) days after a public hearing.
- c. The period in which the Zoning Hearing Board shall take action may be extended with the written consent of the applicant.

5.123A Planning Commission Review - Planning Commission comments, if any, shall be provided to the Zoning Hearing Board within thirty (30) days of the Commission's receipt of the application.

5.124A Application Fees; Review Fees - The applicant shall pay the application fee for the wind farm and each windmill as established by resolution of the Township Supervisors. In addition, the applicant shall pay all professional costs incurred by

the Township for review of structural, radio frequency and other technical aspects of the proposal and shall deposit with the Township an amount deemed adequate by the Township Supervisors to cover the anticipated costs. If the review costs exceed the deposit, an additional assessment shall be made. If the deposit exceeds the cost, the balance shall be returned to the applicant. No approval shall become effective until all costs have been paid by the applicant.

5.130A Site Plan; Information Requirements; Notice; Consent

5.131A Land Development and Site Plan - A full site plan shall be required for all wind farm sites showing all information required to determine compliance with this Ordinance. New windmills and/or the construction of any equipment building or other roofed structures which have a combined gross floor area of greater than one hundred (100) square feet shall be considered a land development subject to the Township's Subdivision and Land Development Ordinance.

5.132A Information Requirements - For all proposed wind farms, in addition to the information required by other Township Ordinances, the following minimum information shall be provided. Items 10 through 14 shall be included in a report prepared by a registered professional engineer or other professional deemed qualified by the Township. The Township shall require any additional information deemed necessary to determine compliance with this Ordinance.

1. Name and address of the property owner and the applicant.
2. Address, lot and block and/or parcel number of the property.
3. Name and address of person preparing the plan.
4. Size of the property and the location of all lot lines.
5. Approximate location of nearest residential structure.
6. Approximate location of nearest occupied structure.
7. Location of all structures on the property which is the subject of the application.
8. Location, size and height of all proposed and existing antennas and all appurtenant structures on the property.
9. Type, size and location of all proposed landscaping and fences.
10. A report by a Pennsylvania registered and licensed professional engineer, documenting compliance with applicable structural standards and describing the general structural capacity of any proposed installation.
11. The number and type of windmills and other structures proposed.
12. A description of the proposed windmills and all related fixtures, structures, appurtenances and apparatus, including height above grade, materials, color and lighting.
13. A description of the noise generated by the windmills.
14. The make, model and manufacturer of any proposed windmill.
15. A visual analysis of the wind farm as seen from public viewing points in the Township.
16. Wind speed maps
17. Maps of migratory bird routes
18. Information on the bat population in the area
19. Generator capacity of the turbines

5.133A Existing and Planned Facilities - The applicant shall provide details about the location, height and operational characteristics of all existing facilities of the applicant in and immediately adjacent to the Township. The applicant shall also provide a five-year plan for the provision of additional facilities in and immediately

adjacent to the Township showing proposed general locations or areas in which additional facilities are planned. Subsequent applications shall confirm or modify the facility service plan, so that the Township will be kept up to date on future activities.

5.134A Operational Compliance - Within ninety (90) days of operating any wind farm, the owner or operator shall submit to the Township a written certification by a Pennsylvania registered and licensed professional that the wind farm complies with this ordinance and all other applicable government regulations.

5.135A Change in Ownership/Operation – If the name or address of the owner or operator of the wind farm is changed, the Township shall be notified of the change within ninety (90) days.

5.136A Associated Uses - All other uses ancillary to the wind farm (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the wind farm site, unless otherwise permitted by Township ordinances. This shall not prohibit the installation, as accessory structures, of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the wind farm.

5.140A and 5.150A Requirements Applicable to All Wind Farms and Windmills

The following requirements shall apply to all wind farms and windmills:

5.141A Location Requirement and Number - The Applicant shall demonstrate to the satisfaction of the Township, using technological evidence, that the wind farm and windmills must go where proposed in order to function to industry standards.

5.142A Windmill Height Design

1. Minimum Height - The applicant shall demonstrate that the windmills are constructed to a height no greater than the minimum required to function to industry standards. The wind farm shall comply with any applicable Airport Hazard Zoning Ordinance.
2. Blade Height - The minimum height between any windmill blade and the ground shall not be less than thirty (30) feet.
3. Visual Impact - The applicant shall provide to the Township graphic information that accurately portrays the visual impact of the proposed wind farm and individual windmills from various vantage points selected by the Township, such as, but not limited to key roads and recreation areas. This graphic information may be provided in the form of photographs or computer-generated images with the windmills superimposed, as may be required by the Township. The Township may require the applicant to conduct a balloon test to confirm the visual impact. The Township may require specific colors, consistent with applicable federal regulations, to ensure that the wind farm is compatible with the surrounding landscape.
4. Controls and Braking. All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed

controls (including variable pitch, tip, and 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.

5. Climb Protection/Locks.

- a. Wind turbines shall not be climbable up to fifteen (15) feet above ground surface.
- b. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

6. Noise and Shadow Flicker

- a. Audible sound from a wind energy facility shall not exceed 55 dBA, as measured at the exterior of any occupied building on a non-participating landowner's property. Minimum standards for measurement shall be in accordance with "Procedures for Measurement and Reporting of Acoustic Emissions from Turbine Generation Systems, Volume 1: First Tier."
- b. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.

7. Signal Interference 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 energy facility.

5.143A Setbacks - The following minimum setbacks shall apply.

1. Separate Parcel- If the parcel on which the wind farm is a separate and distinct parcel, the required minimum lot size shall apply; and, in all cases, the lot shall be of such size that all required setbacks are satisfied.
2. Lease, License or Easement - If the land on which the wind farm is leased, or is used by license or easement, the setback for any windmill, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. In any case, no windmill, including the blades, shall be located closer to any property line (not lease, license or easement line) than its height plus thirty (30) feet.
3. Setbacks from Occupied Buildings
 - a. Wind turbines shall be set back from the nearest occupied building a distance not less than the required setback for the zone district, 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.
 - b. 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.

4. Setback From Property Lines. All wind turbines shall be set back from the nearest property line/lease line a distance of not less than the normal setback requirement of the zone where it is located or 1.1 times the turbine height, whichever is greater, as measured to the center of the wind turbine base.

5.144A Access: Travel Route: Road Bond

1. Access to the wind farm shall be provided by means of a public street or easement to a public street. All access easements shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a durable, dust-free, all weather surface. No access easement shall exceed a grade of fifteen (15) percent.
2. The applicant shall provide a route of travel plan detailing which roads through the Township will be used to access the wind farm during construction and for any maintenance activities requiring the use of heavy trucks.
3. The Township may require a bond, letter of credit or other financial guarantee to ensure that any damage to Township roads caused by the construction or operation of the wind farm is repaired at the cost of the person causing such damage. The amount of the bond shall be based on the extent of the operation, the Township roads used by the operation and the recommendation of the Township Engineer, and the term and form of the bond shall be approved by the Township Solicitor.

5.145A Parking: - If the wind farm site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall be equal to the number of people on the largest shift.

5.146A Structure Safety - The applicant shall demonstrate that the proposed windmills are safe and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All windmills shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania Registered Professional Engineer that all windmills will be designed and constructed in accord with accepted engineering practices and all requirements of any applicable construction code. Within forty-five (45) days of initial operation, the owner and/or operator of the wind farm shall provide a certification from a Pennsylvania Registered Professional Engineer that the wind farm and all structures comply with all applicable regulations.

5.147A Wind Farm as a Second Principal Use - A wind farm shall be permitted on a property with an existing use subject to the following standards:

1. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the wind farm and support structure shall apply; and, the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other

requirements.

2. The vehicular access to the wind farm shall, whenever feasible, be provided along the circulation driveways of the existing use.
3. The applicant shall present documentation that the owner of the property has granted an easement filed of record or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

5.148A Licenses: Other Regulations - The applicant shall demonstrate that the required permits and licenses from the Federal Energy Regulatory Commission, the Pennsylvania Department of Environmental Protection, the Pennsylvania Public Utility Commission, and other agencies have been obtained. The applicant shall also document compliance with all applicable state and federal regulations by providing to the Township with copies of all required documents, studies, and responses (e.g., National Environmental Policy Act, Pennsylvania Natural Diversity Index submission, Pennsylvania Historical and Museum Commission compliance.)

5.149A Insurance - The applicant shall submit a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$2,000,000 per occurrence and property damage coverage in the minimum amount of \$2,000,000 per occurrence covering the wind farm and all its facilities. The applicant shall provide the Township with proof of annual renewal prior to expiration.

5.150A Discontinued Use - If the use of any wind farm and/or windmill is discontinued, the owner or operator or then owner of the land on which the wind farm and/or windmill is located shall be required to remove the same within ninety (90) days from the abandonment of use. Failure to do so shall authorize the Township to remove the facility, including foundations to a minimum of four (4) feet below grade, and assess the cost of removal to the foregoing parties. In addition, at the time of permit issuance for any wind farm the Township shall require a financial guarantee, in a term, form and amount determined by the Township Supervisors with the advice of their Solicitor, to guarantee the removal of the wind farm and/or windmill. If such guarantee is inadequate, the Township shall be authorized to use all means provided in law, including a municipal lien, to recover all costs of removal.

5.151A Vibration - No vibration associated with the operation of the wind farm shall be permitted which is detectable without instruments at or beyond the property line; and no use shall generate any vibration which is capable of causing damage to buildings, structures, equipment alignment, or structural soundness. .

5.152A Signs; Lighting; FAA and P A DOT Notice

1. No signs or lights shall be mounted on any windmill except as may be required by this Ordinance, the Federal Aviation Administration, or other governmental agency which has jurisdiction.
2. No windmill shall be artificially lighted, except as required by the Federal Aviation Administration or for security purposes approved as part of the zoning permit. No approved security light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully

shielded to project the light below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source. No direct or sky-reflected glare, whether from overhead lighting or floodlights shall be permitted.

3. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation; and, the wind farm and support structure shall comply with all FAA and P A DOT requirements.

5.153A Landscaping

1. Existing vegetation on and around the site shall be preserved to the greatest extent possible.
2. Landscaping installation and maintenance may be required to screen as much of the windmills as possible, the fence surrounding the support structure, any other ground level features (such as a building), and, in general, buffer the windmills and other structures from neighboring properties and the sight lines from prominent viewing locations.
3. The Board of Supervisors may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping.

5.154A Soil Erosion and Sedimentation Control; Stormwater Management - All earth disturbance shall comply with the soil erosion and sedimentation control requirements of the Lackawanna County Conservation District and the Pennsylvania Department of Environmental Protection; and, no approval shall be granted under this ordinance until the Applicant provides a copy of the approved soil erosion and sedimentation control plan and any required permits. A stormwater control plan and storm water management facilities shall be provided in accord with the Township's stormwater management requirements.

5.155A Emergency Services Plan - The applicant shall provide an emergency services plan, covering such services as fire, rescue, and medical emergencies, etc. At a minimum, the plan shall include details about any fire suppression system proposed for any windmill or structure. The plan shall be provided to the applicable fire company for review and comment.

5.156A Maintenance: Identification: Notice of Problems - Wind farm maintenance and continued compliance with this Ordinance shall be monitored by the Township Zoning Officer. There shall be affixed to the windmill or security fence in an accessible, visible place the name and mailing address of the owner(s) and a 24-hour emergency telephone number. This information shall be kept current by the owner(s). The Zoning Officer shall inform the owner(s) of any safety problems, maintenance problems or any matter relative to the wind farm in accordance with the enforcement requirements of this Ordinance, sent to the posted address. If the problem outlined in the letter from the Zoning Officer is not resolved within thirty (30) days of receipt of notice, or within such other period as allowed in writing by the Enforcement Officer, this shall constitute a violation of the Ordinance. An unresolved violation shall constitute grounds for revoking the windmill permit.

5.157A Mitigation Plan. The Applicant shall provide, for approval of the Township, a plan for how complaints about noise, communications interference and vibration will be addressed by the operator of the wind farm

Article 11, Definitions

Add: Hub

The hub is located at the top of the structure and it houses equipment.

Add: Hub Height

The distance measured from the surface of the tower foundation to the height of the wind turbine hub to which the blade is attached.

Add: Turbine

The turbine is the structure

Add: Turbine Height

The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane

Add: Wind Farm

A facility where one (1) or more windmills are located and are used for the generation of electricity which is used on-site for commercial purposes or which is sold on the open market. A windmill accessory to a principal structure which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory shall not be considered a wind farm.

Add: Windmill

A machine that operates on the energy generated by a series of blades or slats rotated by the wind.

Add: Windmill, Accessory

A windmill that serves as an accessory source of energy to a principal use. Not more than one (1) windmill shall be permitted as an accessory windmill on any property.

Add: Windmill Height

The vertical distance measured from the base of the support structure at grade to the highest point of the structure, including blades. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height.

SECTION II: SEVERABILITY AND REPEALER

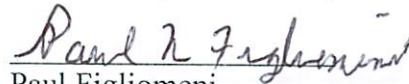
- a. Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or the parts thereof, other than the part so declared to be invalid.
- b. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

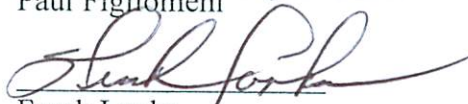
SECTION III: EFFECTIVE DATE

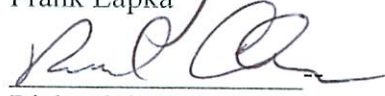
This Ordinance shall take effect at the earliest period allowed by law.

.ENACTED AND ORDAINED this 2nd day Of May 2019.

Board of Supervisors of
Carbondale Township


Paul Figliomeni


Frank Lapka


Richard Colosimo

ATTEST:

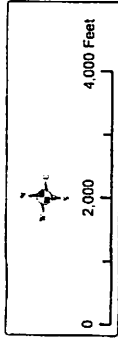

LAWRENCE CATANZARO

Secretary Township of Carbondale

Fell Township

Jefferson Township

Carbondale Township Lackawanna County PA Zoning Map Adopted May 2nd 2019



Carbondale City

Mayfield Borough

Zoning Classifications

IAC	Interchange Activity Center
R-1	Low Density Residential
R-2	Medium Density Residential
C-1	Local Commercial
C-2	Highway Commercial
M-1	Light Manufacturing
M-2	Heavy Manufacturing
S-1	Special Purpose
S-2	Limited Special Purpose
[Symbol]	Flood Plain
C-1	C-1

This preparation of this map was based on an audit by the
Community and Economic Development Office,
Wayne County Department of Community and Economic Development
and the Lackawanna County Regional
Planning Commission.

Approved by:
Wayne County Board of Supervisors
& The Lackawanna County Regional
Planning Commission

Fell Township

Greenfield Township

Scott Township

Archbald Borough

