

GREENFIELD TOWNSHIP
LACKAWANNA COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MARCH 5, 1999, ZONING ORDINANCE OF GREENFIELD TOWNSHIP, LACKAWANNA COUNTY, PENNSYLVANIA, AS AMENDED, TO:

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IT IS HEREBY ORDAINED AND ENACTED as follows by the Board of Supervisors of Greenfield Township, Lackawanna County, Pennsylvania by authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968 (P.L. 805, No. 247), as reenacted and amended:

ITEM 1 - Add and delete the following definitions to Article III:

Add:

Concentrated Animal Feeding Operation (CAFO): Any livestock operation which is defined as a concentrated animal feeding operation by the regulations adopted by the Commonwealth of Pennsylvania.

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.

Menagerie: A collection of animals which are kept in cages or enclosures, inside a building or outdoors, for exhibition or educational purposes with or without charge.

Mineral Extraction: The mining, removal or recovery by any means whatsoever (including, but not limited to open excavations and quarries, and subsurface mining) of minerals as defined in this Article II and including the incidental screening, washing, crushing and grading of materials originating on the site. Mineral extraction shall not include

- A. The salvage removal of already quarried stone from existing quarries where no additional blasting, ripping or other mechanical operations are required.
- B. The extraction of minerals by a landowner for the landowner's noncommercial use from land owned or leased by the landowner.
- C. The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for public road construction undertaken by a public entity or the extraction of minerals associated with a public construction contract.
- D. The handling, processing or storage of slag on the premises of a manufacturer as a part of the manufacturing process.
- E. The extraction, handling, processing or storing of minerals from a building construction excavation on the site of the construction if the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals. The minerals removed are incidental if the excavator demonstrates that:
 - 1. Extraction, handling, processing or storing are conducted concurrently with construction.
 - 2. The area mined is limited to the area necessary to construction.
 - 3. The construction is reasonably related to the use proposed for the site.

Mineral Processing: The refinement of minerals to specifications for sale including, but not limited to, the crushing, screening, washing or grading of minerals; and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products.

Outdoor Furnace: Any device, contrivance or apparatus or any part thereof, including but not limited to, a boiler, fire box, exchanger, grate, fuel gun, fuel nozzle, chimney, smoke pipe, exhaust conduit and like devices, which is installed, affixed or situated out-of-doors for the primary purpose of the combustion of fuel from which heat or energy is derived and intended to be directed therefrom by conduit or other mechanism into any interior space for the supply of heat or energy.

Turbine Height: The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

Wild or Exotic Animal: Any species of animal whose natural or usual habitat within Pennsylvania is either in the wild or in a zoo, as opposed to a domesticated environment, regardless of whether such animal poses an actual or apparent threat to persons, other animals or property.

Wind Energy Facility: A facility where one (1) or more wind turbines and/or other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities 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 wind turbine 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 energy facility* but said accessory structure shall meet all other requirements of this Zoning Ordinance including, but not limited to, the standards set forth in §858.4 except C,2.

Wind Turbine Generator: 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 transformer, if any.

Zoo: A collection of animals which are maintained in a park by an educational, nonprofit or governmental corporation.

Delete:

Natural Resource Use: The mining, removal or recovery by any means whatsoever (including, but not limited to open excavations and quarries, and subsurface mining) of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water, land, on or beneath the surface thereof; said substances including but not limited to coal, limestone, shale, dolomite, sandstone, sand, clay, gravel, rock, stone, earth, ore, peat, soil, or other minerals as defined in this Article III, including the incidental crushing, screening, washing or grading of minerals originating on the premises.

Natural Resources Processing: The refinement of minerals to specifications for sale including, but not limited to, the crushing, screening, washing or grading of minerals; and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products.

ITEM 2 - Make the following changes in the noted Schedule of Uses

Delete from RA District conditional uses:

- natural resource uses

Add to RA District principal permitted uses:

- mineral extraction

Add to RA District conditional uses:

- concentrated animal feeding operations
- self-storage facilities
- wind energy facilities
- zoos, menageries, and wild and exotic animals

Delete from I District conditional uses:

- natural resources processing

Add to I District conditional uses:

- mineral processing

ITEM 3 - Amend Part 2 of the Schedule of Development Standards to read as follows:

PART 2 LOT DIMENSIONS FOR RESIDENTIAL USES					
Single-family and two-family residential in all districts where permitted (see §601 for land conservation standards and §602 for additional two-family dwelling standards)					
STANDARD (see §911 for nonconforming lots)	LOT SIZE (acres)				
	Equal to or greater than			Nonconforming lots less than	
	2	1	0.5	0.5	0.25
Minimum Yards (building setbacks) (feet)					
Principal structures, attached accessory structures and unattached accessory structures					
Front (measured from road right-of-way) (See §502.2 for corner lots.)	50	50	40	20	20 (note 1)
Rear	50	50	30	10	10
Side	30	25	20	10	4 one side 14 combined
Unattached accessory structures less than 10 ft. in height and less than 144 sq. ft in total floor area					
Front (measured from road right-of-way)	50	50	40	20	10
Rear	10	10	10	10	10
Side	10	10	10	10	4 one side 14 combined
Lot Dimensions (feet)					
Minimum width	150	125	100	not applicable because new lots <0.5 acres are not permitted	
Minimum depth	150	150	125		
Maximum depth to width ratio (no lot need exceed a width of 300 feet)	4:1	4:1	4:1		
Maximum lot coverage (percent)	15	20	25	35	40
Multi-family dwellings and mobile homes parks: see Article VI					
Note 1: The front yard setback for unattached accessory structures may be reduced to 10 feet.					

ITEM 4 - Amend §502.2 to read as follows:

502.2 Street Frontage / Front Yards

A principal building shall be permitted only upon a lot with frontage on a public or private road right-of-way. Each yard of a lot which abuts a street shall be equal in size to the front yard required for the district. Any other yards may be considered side yards. On nonconforming lots

of 0.25 acres or less in size, the setback on the short side of the lot shall be a minimum of twenty (20) feet, and all other setbacks shall be a minimum of ten (10) feet. (This allows a house a maximum of 20 feet wide on the 40-foot width of the lot.)

ITEM 5 - Amend §503.1 to read as follows:

503.1 Accessory Structures

All accessory structures shall conform to the minimum regulations established in Article IV except as permitted below.

- A. Unattached Accessory Structures - All unattached accessory structures shall comply with yard requirements for principal structures. However, accessory structures which are not attached to a principal structure and do not exceed ten (10) feet in height and one-hundred and forty-four (144) square feet in total floor area may be erected within the required side and rear yards of a principal structure, provided that no side or rear yard is reduced to less than ten (10) feet, and in the case of nonconforming lots of 0.50 acres or less in size, five (5) feet. In the case of corner lots, the full yard as specified in §502.2 shall be maintained.
- B. Attached Accessory Structures - An accessory structure attached to a principal building shall be considered to be a part of the principal building and shall conform to the setbacks for principal structures.
- C. Unattached Accessory Structures on Lots Less than 0.25 Acres - The front yard setback for unattached accessory structures may be reduced to 10 feet on nonconforming lots less than 0.25 acres in size.

ITEM 6 - Add the following §503.14:

503.14 Outdoor Furnaces

Outdoor furnaces shall be permitted as an accessory use only in accord with the following:

- A. Outdoor furnaces shall be permitted only in the RA - Rural Agricultural District.
- B. Outdoor furnaces shall not be located less than one hundred (100) feet from any property line or public or private road right-of-way.
- C. If located fifty (50) feet or less to any building, the chimney of the outdoor furnace shall be at least two (2) feet higher than the eave line of that building. However, in no case shall the minimum height of the chimney be less than twenty (20) feet.
- D. The only fuels allowed shall be those listed fuels recommended by the manufacturer. The following are specifically prohibited: unseasoned firewood, trash, plastics, gasoline, rubber, naphtha, household garbage, material treated with petroleum products (particle board, railroad ties and pressure-treated wood), leaves, paper products and cardboard.
- E. Outdoor furnaces shall be operated only between September 1 and May 31.

- F. All outdoor furnaces shall be equipped with properly functioning spark arresters.
- G. A permit issued pursuant to this §503.14 may be revoked by the Zoning Officer as may be necessary to protect the public health, safety and welfare of the residents of the Township if any of the following conditions occurs:
 - 1. Malodorous air contaminants from the outdoor furnace are detectable outside the property of the person on whose land the outdoor furnace is located.
 - 2. The emissions from the outdoor furnace interfere with the reasonable enjoyment of life or property.
 - 3. The emissions from the outdoor furnace cause damage to vegetation or property.
 - 4. The emissions from the outdoor furnace are or may be harmful to human or animal health.

ITEM 7 - Add the following §701.21:

701.21 Building Color

This §701.21 shall apply to all nonresidential structures. Structure exteriors shall be of low-intensity, earth-tone colors to complement the landscaping plan and blend with the natural vegetative surroundings of the proposed site. The applicant shall submit, along with the zoning application, samples of the color(s) proposed for the building(s) exterior for approval by the Township.

ITEM 8 - Add the following as §805.4

805.4 Zoos, Menageries, and Wild and Exotic Animals

Menageries and zoos shall, in addition to all other applicable Township, state and federal requirements, comply with the following:

- A. A minimum parcel size of five (5) acres shall be required.
- B. All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
- C. The permit holder shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.
- D. Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear or to be abused, tormented or annoyed.
- E. The permit holder shall maintain the premises so as to eliminate offense odors or excessive noise.

- F. The permit holder shall not permit any condition causing disturbance of the peace and quiet of his neighbors.
- G. Animals must be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from his premises. The permit holder shall make adequate provisions and safeguards to protect the public from the animals.
- H. The operation shall conform to all applicable local, state and federal laws and regulations
- I. Any building, corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or animal waste storage shall not be located within one hundred twenty-five (125) feet of any adjoining property line and one hundred (100) feet from any public or private road right-of-way.
- J. The applicant shall provide for adequate disposal of all waste materials generated on the premises, and a detailed plan for the same shall be included with the zoning application.

ITEM 9 - Amend and add the following subsections of §809.3 Standards (applicable to Commercial Communication Devices) to read as follows:

- B. Co-location; New Tower - If the applicant proposes to build a tower (as opposed to mounting the CCD on an existing structure), the Township may require the applicant to demonstrate that it contacted in writing the owners of tall structures within a five (5) mile radius of the site proposed, asked for permission to install the CCD on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, CCD support structures of other cellular phone companies, other communications towers (fire, police, etc.) and other tall structures. The Township may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the CCD on an existing structure thereby documenting that there exists no other support structure which can reasonably serve the needs of the owner of the proposed CCD. A good faith effort shall demonstrate that one (1) or more of the following reasons apply to a particular structure:
 - 1. The proposed equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 - 2. The proposed equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 - 3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - 4. Addition of the proposed equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the federal communications commission governing human exposure to electromagnetic radiation.

5. A commercially reasonable agreement could not be reached with the owners of such structures.
- C. CCD Height - The applicant shall demonstrate that the CCD is at the minimum height required to function satisfactorily and provide adequate height for five (5) service providers. No CCD and support structure that is taller than this minimum height shall be approved. The Township may require the tower to be designed and constructed to be *stackable* (structurally capable of being increased in height) so that additional antennae arrays can be accommodated in addition to the arrays on the original tower to facilitate future collocation. CD equipment buildings shall comply with the accessory structure height limitations of the applicable zoning district. The Township may require *stealth* design (typically resembling a common tree) to ensure that the CCD is compatible with the surrounding landscape.
- Q. Review Fees - 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 to cover the anticipated costs. Should 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.

ITEM 10 - Amend §856.2,C (applicable to Gasoline Service Stations and Vehicle or Equipment Repair Operations) to read as follows:

- C. Only vehicles with current licenses and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored outdoors. If a legitimate, bonafide, service station stores more than one (1) vehicles per one hundred (100) square feet of building area outdoors, it shall comply with the junk regulations set forth in this Ordinance. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.

ITEM 11 - Amend §856.3,D (applicable to Vehicle or Equipment Sales Operations) to read as follows:

- D. Only vehicles with current license and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored in any exterior area. If a legitimate, bonafide, service station stores more than one (1) vehicle per one hundred (100) square feet of building area outdoors, it shall comply with the junkyard regulations set forth in this Ordinance. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.

ITEM 12 - Amend §856.4 to read as follows:

856.4 Race Tracks

- A. All race tracks for motor driven vehicles, including but not limited to automobiles, trucks, go-

carts, motorcycles, motor scooters, dune buggies, water craft, and the like, shall be located not less than one (1) mile from any SR District.

- B. The track/course shall not be less than five hundred (500) feet from any property line or public road right-of-way.
- C. No race shall be conducted between the hours of 11:00 P.M. and 9:00 AM prevailing local time. However, the Township may establish more restrictive time limits as a condition of approval.
- D. All service and repair activities shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes, and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.
- E. No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this Ordinance.
- F. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Used tires and parts shall not be stored on the premises in excess of what would normally accumulate in a week of normal operation.
- G. Gasoline pumps and other service appliance may be located in the required front yard but shall not be situated closer than thirty (30) feet from the road or street right-of-way line. Any above ground storage tanks shall not be placed in the front setback area.
- H. No vehicles, supplies, parts, or any other material shall be stored in any required setback areas normally required for the district.
- I. All major repair, welding, auto body, painting and similar work shall be performed within a building with a fume collection and ventilation system that directs noxious fumes away from any adjacent buildings. All such systems shall meet all required state and federal health and safety standards.

ITEM 13 - Add the following §858:

858 Wind Energy Facilities

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to wind energy facilities:

858.1 Purposes

- A. To accommodate the need for wind energy facilities while regulating their location and number in the Township in recognition of the need to protect the public health, safety, and welfare.
- B. To avoid potential damage to adjacent properties from wind turbine structure failure and falling

ice, through engineering and proper siting of such structures.

858.2 Number

The number of wind turbines on a particular parcel shall be governed by compliance with all setback, separation and height requirements.

858.3 Permits; Use Regulations

- A. Permits - A zoning permit shall be required for every wind energy facility and wind turbine installed in the Township, and all such facilities shall comply with the requirements of this and all other Township ordinances.
- B. Associated Use - All other uses ancillary to the wind energy facility (including a business office, maintenance depot, etc., greater than 1,000 sq. ft.) are prohibited from the wind energy facility, unless otherwise permitted in the District in which the wind energy facility is located. 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 energy facility.
- C. Wind Energy Facility as a Second Principal Use - A wind energy facility shall be permitted on a property with an existing use in districts where permitted subject to the following land development standards:
1. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the wind energy facility and wind turbines 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 equipment building 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 or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

858.4 Standards

- A. Wind Energy Facility Height - The applicant shall demonstrate that the wind turbines are at the minimum height required to function satisfactorily. No wind turbine that is taller than this minimum height shall be approved.
- B. Parcel Size; Setbacks
1. Separate Parcel - If the parcel on which the wind energy facility is a separate and distinct parcel, the District 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 energy facility is leased, or is

used by license or easement, the setback for any wind turbine, 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 wind turbine shall be located closer to any property line (not lease, license or easement line) than 1.1 times the turbine height. .

3. Public and Semi-Public Structures - No wind turbine shall be located less than two thousand (2,000) feet from any existing public or semi-public principal structure measured from the center point of the turbine base. (For the purposes of this §858, *existing principal structure* shall mean any existing principal structure or any principal structure for which a zoning permit has been issued.)
4. Principal Structures on Wind Energy Facility Parcel - No wind turbine shall be located less than six hundred (600) feet from any existing principal structure on the wind energy facility parcel or lease, license or easement parcel as measured from the center point of the turbine base, unless the property owner provides written permission allowing for a lesser distance. (For the purposes of this §858, *existing principal structure* shall mean any existing principal structure or any principal structure for which a zoning permit has been issued.) In no event shall the setback distance be less than 1.1 times the total height of the wind turbine as measured from the highest point of the rotor plane.
5. Principal Structures on Other Parcels - No wind turbine shall be located less than two thousand (2,000) feet from any principal structure existing on any other parcel prior to the erection of the wind turbine as measured from the center point of the turbine base unless the owner of such existing principal structure shall have executed a written waiver or non-disturbance easement, covenant or consent, any of the aforementioned which has been recorded in the Office of the Recorder of Deeds of Lackawanna County, Pennsylvania. Such easement or covenant shall run with the land and, at a minimum, provide that the said property owner waives and releases any and all claims, damages and/or losses resulting from higher noise levels, visual impacts or flickering reflections and/or shadows which may arise as a result of the location of a wind turbine generator within the established setback distance of an existing principal structure on the property of the owner executing same. Such easement, covenant or consent shall meet such requirements as to form and content as may be required by the Township. In no event shall the setback distance be less than 1.1 times the total height of the wind turbine as measured from the highest point of the rotor plane.
6. Property Lines and Public Roads - No wind turbine shall be located not less than 1.1 times the total height of the wind turbine from property lines and public road rights-of-way as measured from the highest point of the rotor plane.
7. Communication and Electric Lines - No wind turbine shall be located not less than 1.1 times the total height of the wind turbine from the nearest above ground public electric power line or public telephone line or other public communication line as measured from the highest point of the rotor plane.

C. Wind Energy Facility Design

1. Standards; Certification - The design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
2. Generator Capacity - The Applicant shall install wind turbine generators of two (2) megawatts nameplate capacity each unless otherwise agreed to by the Parties, which comply with all terms and provisions of this Agreement.
3. Uniform Construction Code - The wind energy facility shall comply with the Pennsylvania Uniform Construction Code.
4. Controls and Brakes - All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other 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. Electrical Components - All electrical components of the wind energy facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
6. Warnings - A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (ten) feet from the ground.
7. Signs - No advertising material or signs other than warning, equipment information or indicia of ownership shall be allowed on the wind turbine generators. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners, or waving, fluttering or revolving devices, but not including weather devices.
8. Climb Prevention/Locks/Fence
 - 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.
 - c. A fence shall be required around each wind turbine support structure and other equipment. The fence shall be a minimum of eight (8) feet in height.
9. Emergency Services - The facility shall comply with all applicable local, state and federal fire code and emergency services guidelines; and, all wind turbine generators shall be equipped with portable fire extinguishers, unless the local fire department or Township

Engineer provides written documentation establishing that the same is not necessary.

10. Other Regulations - The applicant shall document compliance with all applicable state and federal regulations.

D. Noise and Shadow Flicker

1. Audible sound from a wind energy facility shall not exceed forty-five (45) dBA as measured at the exterior of any occupied building on any other parcel. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
2. The facility owner and operator shall use best efforts to minimize shadow flicker to any occupied building on any other parcel.
3. For the purposes of this Subsection D, *occupied building* shall mean a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted

E. Landscaping - Landscaping shall be required to screen as much of the support structure as possible and any other ground level features (such as a building); and, in general, buffer the wind turbine and support structure site from neighboring properties. Natural vegetation shall be maintained to the greatest extent possible. Any required vegetation shall be maintained in good condition. The Township 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.

F. Water Supplies. All wind turbine generator sites shall be designed and constructed in such a fashion as to avoid any disruption and or interference with private wells, springs and/or other water sources. In the event any problems occur with any private water source, which problems are proximately caused by the operator, the operator shall immediately supply potable water in such quality and quantity as supplied by the original private water source.

G. Licenses - The applicant shall demonstrate that it has obtained the required licenses from the Township and governing state and federal agencies.

H. Access; Required Parking - Access to the wind energy facility shall be provided by means of a public street or easement to a public street. The easement 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 dust-free, all weather surface for its entire length. If the wind energy facility 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.

I. Color and Lighting; FAA and PA DOT Notice - Wind turbines, including rotors, shall be a non-obtrusive color such as white, off-white or gray. Wind turbines shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No wind

turbine may be artificially lighted, except as required by FAA requirements. If lighting is required, the lighting alternatives and design chosen shall minimize the disturbance to the surrounding views. 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.

- J. Transmission and Power Lines - On-site transmission and power lines between wind turbines shall, to the greatest extent possible, be placed underground.
- K. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished; and, this may be accomplished by remedial measures instituted by the wind energy facility operator.
- L. Stray Voltage/Electromagnetic Fields (EMF) - The operator shall utilize Good Utility Practice to minimize the impact, if any, of stray voltage and/or EMF.
- L. Water and Sewer - Water, other than for facility cooling and fire suppression purposes, and sewage facilities shall not be permitted at wind energy facility sites to preclude person(s) from living or staying on the site, unless such facilities serve a use otherwise approved in accord with this Ordinance.
- M. Emergency Services - The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the wind energy facility. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the wind energy facility.
- N. Site Plan - A full site plan shall be required for all wind energy facility sites, showing the wind energy facility, wind turbines, building, fencing, buffering, access, and all other items required by this Ordinance and the Subdivision and Land Development Ordinance.

858.5 Certification

The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed wind energy facility and support structure will be designed and constructed in accord with accepted engineering practices and all requirements of this Ordinance. Within forty-five (45) days of initial operation, the owner and/or operator of the wind energy facility shall provide a certification from a Pennsylvania registered professional engineer that the wind energy facility and all structures comply with all applicable regulations.

858.6 Review Fees

In addition to the normal application fees, 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 Governing Body 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.

ITEM 14 - In reference to the industrial district, change any *I-Industrial District* references to *IND -Industrial District* throughout the Ordinance.

ITEM 15 - Amend the Greenfield Township Zoning Map OF March 5, 1999, as amended, as shown on the revised Greenfield Township Zoning Map adopted herewith titled *Zoning Map, Greenfield Township, Lackawanna County, Pennsylvania* and dated 2007, signed by the Board of Supervisors and attested by the Township Secretary.

SEVERABILITY

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Board of Supervisors having adopted this Ordinance as if such invalid portions had not been included therein.

EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption.

BE IT HEREBY ENACTED AND ORDAINED this ____ day of _____ 2007 by the Board of Supervisors of Greenfield Township, Lackawanna County, Pennsylvania to become effective immediately.

Supervisor

Supervisor

Supervisor

ATTEST:

Secretary