

TOWNSHIP OF WASHINGTON
DAUPHIN COUNTY, PENNSYLVANIA

PROPOSED ORDINANCE NO. 2024-02

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF WASHINGTON TOWNSHIP, DAUPHIN COUNTY TO SET FORTH REQUIREMENTS FOR SOLAR ENERGY SYSTEMS

WHEREAS, the Pennsylvania Municipalities Planning Code, act of July 31, 1968 as amended, 53 P.S. §§10101 et. seq., enables a municipality through its zoning ordinance to regulate the use of property and to promote the conservation of energy through access to and use of renewable energy resources; and

WHEREAS, Washington Township seeks to promote the general health, safety and welfare of the community by adopting and implementing an amendment to the Zoning Ordinance providing for the access to and use of solar energy systems; and

WHEREAS, the purpose of this Ordinance is to set forth requirements for solar energy systems.;

BE IT HEREBY ENACTED AND ORDAINED by the Board of Supervisors of the Township of Washington, Dauphin County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1: The Washington Township Zoning Ordinance ("Washington Township Zoning Ordinance"), is hereby amended by adding to sub section's:

- **PART 4 AGRICULTURAL DISTRICT (A)**
§27-402 Permitted Uses
ADD Q. Accessory Solar Energy Systems (ASES) in accordance with PART 12;

§27-404 Special Exception Uses
ADD F. Principal Solar Energy Systems (PSES) in accordance with regulations in §27-1228.
- **PART 5 RESIDENTIAL DISTRICT LOW DENSITY (R-1)**
§27-502 Permitted Uses
ADD G. Accessory Solar Energy Systems (ASES) in accordance with PART 12;
- **PART 6 RESIDENTIAL DISTRICT (Medium to High Density) (R-2)**
§27-602 Permitted Uses
ADD L. Accessory Solar Energy Systems (ASES) in accordance with PART 12;
- **PART 7 COMMERCIAL DISTRICT (C)**
§27-702 Permitted Uses
ADD X. Accessory Solar Energy Systems (ASES) in accordance with PART 12;
- **PART 8 INDUSTRIAL (LIGHT-INDUSTRIAL) DISTRICT (LI)**
§27-802 Permitted Uses
ADD: S. Accessory Solar Energy Systems (ASES) in accordance with PART 12;

§27-803 Conditional Uses
ADD G. Principal Solar Energy Systems (PSES) in accordance with the regulations in Part §27-1228.

- **PART 9 CONSERVATION DISTRICT (CN)**
§27-902 Permitted Uses
ADD: §27-902 F. Accessory Solar Energy Systems (ASES) in accordance with PART 12;
- **PART 9A FLOODPLAIN MANAGEMENT DISTRICT (F)**
§27-908A Permitted Uses
ADD: §27-908A. Accessory Solar Energy Systems (ASES) in accordance with PART 12;
- **PART 10 VILLAGE DISTRICT (V)**
§27-1002 Permitted Uses
ADD; §27-1001 P. Accessory Solar Energy Systems (ASES) in accordance with PART 12;
- **PART 10A MINERAL RESOUCE RECOVERY DISTRICT (MR)**
§27-1002A Permitted Uses
ADD: §27-1002A I. Accessory Solar Energy Systems (ASES) in accordance with PART 12

SECTION 2. A. The Washington Township Zoning Ordinance, specifically Part 12 (Entitled "General Regulations"), is hereby amended by adding a new Section 27-1228 (Entitled "Solar Energy Systems") as follows:

ADD TO PART 12- §27-1228. Solar Energy Systems.

1. Definitions. As used in this section, the following terms shall have the meanings indicated:

APPLICANT - The landowner or developer, seeking approval for a solar energy system pursuant to this section.

ACCESSORY SOLAR ENERGY SYSTEM (ASES) – An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use, often referred to as Residential Solar. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

PRINCIPAL SOLAR ENERGY SYSTEM (PSES) – An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use, often referred to as a Solar Farm or Commercial Solar. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

SOLAR EASEMENT - A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

SOLAR ENERGY DEVELOPMENT AREA - The total area of a Principal Solar Energy System (PSES) that encompasses all of the principal and accessory structures that are part of the solar energy system, as well as all substations, inverters and any other supporting equipment. This area shall also include all access drives providing access to a public road, buffer yards/screening, utilities and stormwater management facilities.

SOLAR ENERGY FENCED AREA - The total area of the Solar Energy Development Area that encompasses all the principal and accessory structures that are part of the solar energy system, as well as all substations, inverters and any other supporting equipment that are enclosed by the required fencing. This area shall not include any access drives providing access to a public road, buffer yards/screening, utilities or stormwater management facilities located outside of the required fencing.

SOLAR ENERGY SYSTEM - A solar photovoltaic cell, module, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

Applicability.

2. Applicability.

- A. The provisions of this section shall supersede anything to contrary found elsewhere in the Zoning Ordinance.
- B. Solar Energy Systems constructed prior to the effective date of this section shall not be required to meet the requirements of this section, provided that any physical modifications to an existing solar energy system that materially alters the size and type of the solar energy system shall require a permit under this section.

3. Permitted Uses.

- A. ACCESSORY SOLAR ENERGY SYSTEM (ASES) shall be a permitted use in all zoning districts:
 - (1) Is located in the power beneficiary's premises.
 - (2) Is intended primarily to offset part or all of the beneficiary's requirements for electricity.
 - (3) Is secondary to the beneficiary's use of the premises for other lawful purpose(s).
 - (4) Is a residential use.
 - (5) If not located on a roof top then must meet the minimum setbacks of an accessory building of the zoning district in which it is located.
- B. PRINCIPAL SOLAR ENERGY SYSTEM (PSES) shall be a conditional use in the Light Industrial District.
 - (1) A solar energy system that is not an ACCESSORY SOLAR ENERGY SYSTEM (ASES) such as, but not limited to a Solar Farm.

4. Permit Requirement and Application.

- A. No Solar Energy System, or addition to an existing Solar Energy System shall be constructed or located within Washington Township unless a permit has been issued to the Applicant of the Solar Energy System under this Ordinance. All applications for a PRINCIPAL SOLAR ENERGY SYSTEM (PSES) shall be considered a Major Land Development, shall meet the requirements of this Ordinance and the Township Subdivision and Land Development Ordinance (SALDO), and shall be reviewed by the Township Planning Commission and approved by the Township Supervisors.
- B. The permit application or amended permit application shall be accompanied with a processing fee and escrow fee in the amount established by resolution by the Township Supervisors.
- C. Any physical modification to an existing and permitted Solar Energy System that materially alters the site layout (e.g. expansion of the Solar Energy Fenced Area) shall require a permit modification under this Ordinance. Like-kind replacement of equipment shall not require a permit modification.

5. Design, Installation, Review Criteria, Certification and Compliance, and Decommissioning.

- A. Design Requirements.
 - 1. Where there already exists a principal structure on the property, Solar Energy Systems shall not be located in the required front yard between the principal structure and the public right-of-way, or private street. Corner lots shall have front yard requirement along all streets.
 - 2. Height.
 - a. Freestanding collection systems shall not exceed twenty (20') feet in height.

b. All other structures and supporting equipment that are part of the solar energy system shall comply with the height requirements of the applicable zoning district.

3. Size. ACCESSORY SOLAR ENERGY SYSTEM (ASES) on residential properties shall not exceed the greater of one-half (1/2) the footprint of the principal structure or six hundred (600) square feet, whichever is greater. The size of arrays for non-residential properties shall not exceed one-half (1/2) of the footprint of the principal structure except for rooftop systems.
4. Solar Energy Systems are permitted to be located on the roof or the exterior wall of a structure subject to the following:
 - a. Solar Energy Systems shall not extend more than twelve (12') feet above the roof line.
 - b. Solar Energy Systems shall not exceed the maximum height permitted in the zoning district in which it is located.
 - c. Solar Energy Systems located on the roof or attached to a structure shall provide, as part of their permit application a structural certification that the roof is capable of holding the load of the Solar Energy System.
 - d. Solar panels shall not extend beyond any portion of the roof edge.
5. Code Compliance: Solar Energy Systems shall comply with all applicable building and electrical codes.
6. ACCESSORY SOLAR ENERGY SYSTEM (ASES) may be located on accessory structures subject to setback requirements of the applicable Township Zoning District.
7. Solar Energy Systems located on an agricultural assessed property shall be permitted to have additional collection systems for each building on the property.

B. Installation.

1. To the extent applicable, the Solar Energy System shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended and the regulations adopted by the Department of Labor and Industry.
2. The layout, design, and installation of the Solar Energy System shall conform to applicable industry standards and the Township's Building Code.

C. Review Criteria.

1. ACCESSORY SOLAR ENERGY SYSTEM (ASES) and PRINCIPAL SOLAR ENERGY SYSTEM (PSES) that meet the requirements of this Ordinance and all other applicable construction codes will be issued a permit by the Zoning Officer.

D. Certification and Compliance.

1. The Township must be notified of a change in ownership of a PRINCIPAL SOLAR ENERGY SYSTEM (PSES) or a change in ownership of the property on which the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) or is located.
2. The Township reserves the right to inspect any PRINCIPAL SOLAR ENERGY SYSTEM (PSES) in order to ensure compliance with the Ordinance.
3. The PRINCIPAL SOLAR ENERGY SYSTEM (PSES) Owner(s) or Operator(s) shall provide the Township Zoning Officer with a copy of the yearly maintenance inspection.

E. Decommissioning of PRINCIPAL SOLAR ENERGY SYSTEM (PSES)

1. The owner or operator of the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) or then owner of the land on which the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) is located ("Owner(s)/Operator(s)/Landowner(s) shall complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the Owner(s)/Operator(s)/Landowner(s) or assigns, and for a good cause, the zoning officer may grant a reasonable extension of time. The PRINCIPAL SOLAR ENERGY SYSTEM (PSES) will be presumed to be at the end of its useful life if no electricity or other form of power is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the Owner(s)/Operator(s)/Landowner(s).
2. Decommissioning shall include the removal of all of the principal and accessory structures that are part of the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) as well as all inverters and any other supporting equipment.
3. All access roads to the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) shall be removed and cleared, by The Owner(s)/Operator(s)/Landowner(s), unless the Landowner(s) requests, in writing, a desire to maintain The access road. The Township will not be assumed to take ownership of any access road unless through official action of the Township Supervisors.
4. The site and any disturbed earth shall be stabilized and cleared of any debris by the Operator(s)/Landowner(s) or their assigns. If the site is not to be used for light industrial and agricultural practices following removal, the site shall be seeded to prevent soil erosion.
5. In addition to the Decommissioning Requirements listed previously, the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) shall also be subject to the following:
 - a. If the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) is not owned by the Landowner(s), financial security as set forth below, must be provided to the Township for the cost of decommissioning the PRINCIPAL SOLAR ENERGY SYSTEM (PSES).
 - b. An independent and certified professional engineer shall be retained by the Township to estimate the total cost of decommissioning ("Decommissioning Costs") taking into account any estimated resale and salvage values of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommission Costs"). Said estimates shall be submitted to the Township Zoning Officer after the first year of operation and every fifth year thereafter. The engineer's fees shall be paid by the Owner(s)/Operator(s)/Landowner(s).
 - c. The Owner(s)/Operator(s)/Landowner(s) shall post and maintain Decommissioning Funds in an amount equal to or greater than Net Decommissioning Costs; provided that at no point shall Decommissioning Funds be less than one hundred twenty-five percent (125%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or state-chartered lending institution chosen by the Owner(s)/Operator(s)/Landowner(s) posting the financial security. The bonding company or lending institution must be authorized to conduct such business within the Commonwealth and be approved by the Township.
 - d. Decommissioning Funds shall be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial security as may be acceptable to the Township, as per Section 509 of the Pennsylvania Municipalities Planning Code 53 P.S. §10509.
 - e. A condition of the approved form of financial security shall be notification by the bond company or lending institution to the Township Supervisors when the financial security is about to expire or be terminated.
 - f. Failure to keep the approved form of financial security in effect while a PRINCIPAL SOLAR ENERGY SYSTEM (PSES) is in place will be a violation of the zoning permit. If a lapse in the approved form of

Financial Security occurs, the Township may take action up to and including requiring ceasing operation of the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) until the approved form of financial security is reposted.

- g. The Township shall release the Decommissioning Funds when the Owner(s)/Operator(s)/Landowner (s) has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.
- h. If the Owner(s)/Operator(s)/Landowner(s) fail to complete decommissioning within the periods addressed previously, then the Township may take such measures as necessary to complete 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 plan.

6. Setbacks, Restrictions, and Easements.

A. ACCESSORY SOLAR ENERGY SYSTEM (ASES)

- 1. Shall be considered an accessory use in all zoning districts and shall be reviewed by the Zoning Officer.
- 2. Shall not be located in the front yard between the principal structure and the public right-of-way or private street.
- 3. On existing construction, a system may be installed as long as it meets the requirement of this ordinance and all other applicable construction codes.
- 4. Upon request, the Zoning Hearing Board may grant variances of the setback or height requirements, provided that the variance will not present any undue hardships on the adjoining property.
- 5. The Zoning Hearing Board shall take into consideration the support or opposition of the adjacent property owners in granting variances of setback or height requirements.
- 6. A property owner who has installed or intends to install a solar collection system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement.
- 7. Shall conceal solar collector's structures, fixtures and piping where applicable.
- 8. The display of advertising is prohibited, except for the reasonable identification of the manufacturer of the system.

B. PRINCIPAL SOLAR ENERGY SYSTEM (PSES)

- 1. Shall be considered a conditional use in the Light-Industrial District.
- 2. The Solar Energy Fenced Area shall be set back from any adjoining property line that is located outside of the Solar Energy Development Area and not subject to the application a distance not less than the minimum yard setback requirements of the applicable zoning district. Except that the required Solar Energy Fenced Area setback shall be increased to fifty (50') feet of any adjoining property line of an existing residential use. The minimum setback from a public or private road shall be fifty (50') feet. The required setbacks do not apply to interior lot lines where the Solar Energy Development Area includes multiple adjacent lots and crosses over interior lot lines if owned by the same entity.
- 3. Upon request, the Zoning Hearing Board may grant a variance of the setback or height requirements, provided that the variance will not present any undue hardships on the adjoining property.

4. A property owner who has installed or intends to install a solar energy system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement at the Dauphin County Court House.
5. Shall provide a twenty-five (25') foot planted buffer/screen along all property lines. Except that the buffer/screen shall be increased to fifty (50') feet of any adjoining property lines of an existing residential use. In lieu of installing the buffer/screen along the property lines, the buffer/ screen shall be permitted to be located immediately outside of the perimeter of the Solar Energy Fenced Area. The buffer/screen may be located in any setback and is not in addition to any setback. Except for access drives, utilities and stormwater management facilities, the required buffer/screen shall include preservation of existing mature vegetation and/or newly installed vegetation, walls or fences, or topography, or other screening treatment, at a minimum height of three (3') feet at the time of planting.
6. Maximum Lot Coverage. For purposes of Section 27- 807 and 27-407, the lot coverage limitations of the underlying or base zoning district are not applicable to PRINCIPAL SOLAR ENERGY SYSTEM (PSES).
7. Maximum Site Disturbance. Site disturbance, including but not limited to, grading, soil removal, excavation, soil compaction, and tree removal in connection with installation of the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) shall be minimized to the extent practicable.
8. A minimum twenty 20' foot wide gravel access drive shall be provided within a minimum twenty (20') foot wide access easement connecting the Solar Energy Fenced Area to a public or private road so as to assure adequate emergency and service access is provided. A turn- around or loop is also required. Gravel access drives shall not be required to be installed within the site for onsite circulation between the rows of solar panel arrays.
9. Glare. Solar panel arrays shall incorporate anti- reflective surfaces or be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjoining properties or roadways.
10. The display of advertising is prohibited except for the reasonable identification of the manufacturer of the system.
11. On-site utility transmission lines and plumbing shall be placed underground to the extent feasible.

7. Site Plan and Safety Requirements.

A. ACCESSORY SOLAR ENERGY SYSTEM (ASES)

1. Drawing to scale to show the following:
 - a. Lot boundary lines and setback lines.
 - b. Existing and proposed buildings, parking areas, utilities, street right of way, easements.
 - c. Existing adjoiners.
 - d. Proposed energy system.

B. PRINCIPAL SOLAR ENERGY SYSTEM (PSES)

1. Site Plan Drawing: All applications for a PRINCIPAL SOLAR ENERGY SYSTEM (PSES) zoning permit shall be accompanied by a detailed site plan in accordance with the applicable site plan provisions of [Township Subdivision and Land Development Ordinance (SALDO)] and also displaying the following information:
 - a. Existing property features to include the following: property lines, physical dimensions of the property, total parcel size, land use, zoning district, contours, set back lines, right-of-way, public and utility easements, public

and private roads, access roads (including width), sidewalks, non-motorized pathways, and all buildings. The site plan must also include the adjoining properties as well as the location of all structures and utilities within two hundred (200') feet of the Solar Energy Fenced Area.

- b. Location, size, and height of all proposed PRINCIPAL SOLAR ENERGY SYSTEM (PSES) buildings, structures, ancillary equipment, underground utilities and their depth, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above ground structures and utilities associated with the proposed PRINCIPAL SOLAR ENERGY SYSTEM (PSES).
- c. Additional details and information as required by the Ordinance or as requested by the Zoning Officer.

2. Site Plan Documentation: The following documentation shall be included with the site plan:

- a. The contact information for the Owner(s) and Operator(s) of the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) as well as contact information for all properties on which the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) is located.
- b. An authorization letter or statement from the property landowner(s) of the leased site authorizing the filing of the zoning permit application and a statement from the landowner(s) of the leased site that he/she will abide by all applicable terms and conditions of the use permit, if approved.
- c. Identification and location of the properties on which the proposed PRINCIPAL SOLAR ENERGY SYSTEM (PSES) will be located.
- d. The proposed number, representative types and height of each component of the system to be constructed; including their manufacturer and model, product specifications including total rated capacity, and a description of any ancillary facilities.
- e. A registered professional engineer shall certify that the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) will meet or exceed the manufacturer's construction and installation standards.
- f. Anticipated construction schedule.
- g. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used to conduct maintenance, if applicable.
- h. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical and communications requirements.
- i. Proof of applicant's liability insurance.
- j. The owner of a PRINCIPAL SOLAR ENERGY SYSTEM (PSES) shall provide the Township written confirmation that the local distribution company with jurisdiction over the transmission or distribution system to which the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) will be connected has been informed of the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) owner's intent to install a grid connected system. Prior to the issuance of a building permit, the owner of the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) shall provide to the Township written confirmation that the local distribution company with jurisdiction over the transmission system to which the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) will be connected has approved of such connection.
- k. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the zoning permit. Applicant shall provide an as-built plan as required by the Township Subdivision and Land Development Ordinance (SALDO).
- l. A written description of the anticipated life of the estimated cost of PRINCIPAL SOLAR ENERGY SYSTEM

(PSES) decommissioning: the method of ensuring that funds will be available for decommissioning and site restoration; and removal and restoration procedures and schedules that will be employed if the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) becomes inoperative or non-functional.

- m. The applicant shall submit a decommissioning plan that will be carried out at the end of the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) useful life and shall describe any agreement with the landowner(s) Regarding equipment removal upon termination of the lease.
- n. The Township reserves the right to review all maintenance plans and financial security under this Ordinance to ensure that all conditions of the permit are being followed.
- o. Signature of the Applicant.
- p. In addition to the Site Plan Requirements listed previously, the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) shall be subject to the following:
 - (i) Use of Public Roads.
 - [a] The Applicant shall identify all state and local public roads to be used within the Township to transfer equipment and parts for construction, operation or maintenance of the PRINCIPAL SOLAR ENERGY SYSTEM (PSES).
 - [b] The Township's engineer or a qualified third-party engineer hired by the Township and paid for by the applicant, shall document road conditions prior to construction if applicable. The engineer shall Document road conditions again thirty (30) days after construction is complete or as weather permits.
 - [c] The Township may require the Applicant to bond the road(s) in compliance with state regulations.
 - [d] Any road damage caused by the applicant, or its contractors shall be promptly repaired at the Applicant's expense.
 - [e] The Applicant shall demonstrate that it has appropriate financial security to ensure the prompt repair of damaged roads to the satisfaction of the Township Solicitor.
 - (ii) Access Drive. Each PRINCIPAL SOLAR ENERGY SYSTEM (PSES) shall require the construction of a private access drive to offer an adequate means by which the Township may readily access the site in the event of an emergency. All private roads shall be constructed to the Township's private road standards.

C. Safety Requirements - PRINCIPAL SOLAR ENERGY SYSTEM (PSES)

1. If the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) is connected to a public utility system for net metering purposes, it shall meet the requirements for interconnection and operation set forth in the public utility's then – current service regulations applicable to solar power generation facilities, and the connection shall be inspected by the appropriate public utility.
2. Security measures need to be in place to prevent unauthorized trespass and access. At a minimum all of the principal and accessory structures that are part of the solar energy system, as well as all substations, inverters and any other supporting equipment must be enclosed by fencing at least six (6') feet in height, unless specified otherwise in the Pennsylvania Uniform Construction Code or any applicable industry code or standard incorporated therein All access gates shall be locked as appropriate when authorized person(s) are not onsite, to prevent entry by non-authorized person(s).
3. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner and disposed of in accordance with current DEP regulations.

4. Each PRINCIPAL SOLAR ENERGY SYSTEM (PSES) shall have a minimum one sign, not to exceed two (2) square feet in area, posted on the security fence if applicable. The sign shall contain at least the following:
 - a. Warning high voltage.
 - b. Manufacturer and owner/operator's name.
 - c. Emergency contact numbers (list more than one number).
5. To the extent applicable, the PRINCIPAL SOLAR ENERGY SYSTEM (PSES) shall comply with the Pennsylvania Uniform Construction Code 34 PA. Code.
8. **Solar Energy System, As A Second Principal Use.** A Solar Energy System is permitted on a property with an existing use subject to the following standards:
 - A. The minimum area, minimum setbacks and maximum height required by this Ordinance for the Solar Energy System 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.
 - B. The vehicular access to a PRINCIPAL SOLAR ENERGY SYSTEM (PSES) shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - C. 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 Solar Energy System and that vehicular access is provided to the facility.
9. **Minimum Size.** The following minimum requirements shall apply:
 - A. PRINCIPAL SOLAR ENERGY SYSTEM (PSES) - Solar Energy Development Area.
 1. Maximum of Twenty (20) acres.
10. **Parking.** If the Solar Energy System 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 plus overflow spaces equal to twenty (20%) percent of the required spaces based on the number of employees, but not less than two (2).
11. **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, if required by said agencies. The Applicant shall also document compliance with all applicable state and federal regulations by providing to the Township copies of all required documents, studies, and responses (e.g., National Environmental Policy Act, Pennsylvania Natural Diversity Inventory submission, Pennsylvania Historical and Museum Commission compliance, U.S. Fish and Wildlife Service, the Department of Conservation and Natural Resources and the PA Game Commission).
12. **Liability Insurance.** The Applicant for a PRINCIPAL SOLAR ENERGY SYSTEM (PSES) shall submit a Certificate of Insurance evidencing general liability coverage in the minimum amount of one million (\$1,000,000.00) dollars per occurrence and property damage coverage in the minimum amount of one million (\$1,000,000.00) dollars per occurrence covering the Solar Energy System. The Applicant shall provide the Township with proof of annual renewal prior to expiration.
13. **Landscaping.** Existing vegetation on and around the site shall be preserved to the greatest extent possible without restricting Solar Access.
14. **Fire Control/Local Emergency Services.**

- A. The Applicant shall provide a project summary and fire control site plan including details about any fire suppression system proposed for any PRINCIPAL SOLAR ENERGY SYSTEM (PSES) or structure. The plan shall be provided to the applicable fire company for review and comment.
 - B. Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the PRINCIPAL SOLAR ENERGY SYSTEM (PSES).
15. **Solar Access.** A property owner who has installed or intends to install a solar energy system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement with the Clerk of the Court.
16. **Compatibility With Other Ordinance Requirements.** Approvals issued pursuant to this Ordinance do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance.
17. **Fees.**
- A. The application and escrow fee to be established by resolution by the Board of Supervisors. See Section 27-1807.
 - B. Applicant acknowledges that the money in escrow is for reimbursement at the Township's discretion for any and all engineering, legal or other expenses incurred by the Township exclusive of work performed by full-time Township staff members, in processing the application and plans. As soon as this escrow account decreases by fifty (50%) percent, the Applicant will be notified by the Township and shall make payment in the amount necessary to fully fund the account within thirty (30) days of notification. Prior to the final approval of any application, the Township will determine all costs incurred; and, to the extent that there has been an overpayment or an Underpayment, there shall be a refund or supplemental payment, as indicated. Upon the recording of the Plan with the Recorder of Deeds and payment of all Township engineering, legal and other expenses incurred by the Township, exclusive of work performed by full-time Township staff members, The Applicant may submit a written request to the Township Treasurer for a refund of the unused escrow funds. Money held in escrow will not be returned until all invoices from the Township Engineer and Solicitor have been received by the Township and paid by the Applicant. The Solicitor's and Engineer's invoices are submitted to the Township every thirty (30) days.
 - C. Disputes between the Applicant and the Township regarding fees shall be settled pursuant to §503(1) and §503(g) of the Pennsylvania Municipalities Planning Codes as amended.

SECTION 3: Except only as amended, modified and changed herein, the Washington Township Zoning Ordinance as originally enacted and previously amended shall remain in all other respects in full force and effect.

SECTION 4: If any section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not effect or impair the validity of this Ordinance or the Washington Township Zoning Ordinance as a whole, or any other section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance or the Washington Township Zoning Ordinance.

SECTION 5: In the event any provision added by this Ordinance to the Washington Township Zoning Ordinance has been numbered, lettered or otherwise designated out of sequence, same shall be corrected and/or correctly numbered, lettered or designated upon discovery of same.

SECTION 6: This Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of the Township of Washington, Dauphin County, Commonwealth of Pennsylvania.

ENACTED AND ORDAINED, into an Ordinance this _____ day of _____ 2024, by the Board of Supervisors of the Township of Washington.

Washington Township Board of Supervisors

Benjamin B. Brown, Chairman

Glenn L. Stoneroad, Vice Chairman

Gerald J. Lettich, Member

Cynthia J. Stout, Member

Kevin L. Stadheim, Member

ATTEST: _____
Donna M. Sitlinger, Secretary