

**READING TOWNSHIP
ADAMS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2024 -02

**AN ORDINANCE AMENDING THE READING TOWNSHIP ZONING
ORDINANCE TO PROVIDE FOR PRINCIPAL SOLAR ENERGY FACILITY
USE AND ASSOCIATED REGULATIONS AND STANDARDS**

WHEREAS the Township desires to amend the Zoning Ordinance of Reading Township to provide for a principal solar energy facility use and associated standards and regulations.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Reading Township:

Section 1. Purpose

The purpose of this Ordinance is to amend the Zoning Ordinance to provide for a principal solar energy facility use and associated standards and regulations.

Section 2. Enabling Authority

This Ordinance is enacted pursuant to the enabling authority of the Pennsylvania Municipalities Planning Code, Article VI, 53 P.S. § 10609.

Section 3. Proposed Amendments to Zoning Ordinance

Section 27-1003 of the Zoning Ordinance shall be amended as follows to permit a principal solar energy facility use as a special exception in the Commercial/Industrial District.

K. Principal Solar Energy Facility. In accordance with the requirements of §27-1317 of this Chapter.

Part 13, Regulations Applicable to Specific Uses, of the Zoning Ordinance shall be amended to include the following new subsection:

§27-1317 Principal Solar Energy Facility Use

A principal solar energy facility use shall be permitted as a special exception in the I/C District and shall comply with the following definitions, requirements and standards:

A. Definitions

GLARE – A sensation of brightness within the visual field of a person which causes annoyance, discomfort or loss of visual performance or visibility.

SOLAR ENERGY FACILITY, ACCESSORY USE – Alternative energy facility primarily utilized by the principal use of the lot upon which it is located.

SOLAR ENERGY FACILITY, PRINCIPAL USE – A utility-scale facility consisting of one or more freestanding ground or roof mounted solar panels, solar related equipment and accessory structures and buildings, including but not limited to, light reflectors, concentrators, heat exchangers and substations, and used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power for off-site use(s).

SOLAR PANEL – That part or portion of a solar energy facility containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for power.

SOLAR RELATED EQUIPMENT – Solar photovoltaic cell, module, panel or array, solar hot air or water collector device panels, lines, pumps, inverters, batteries, storage facilities, mounting brackets, framing and other structural foundations.

B. Supplemental Standards

Where permitted, a solar energy facility principal use shall meet the following requirements:

1. Application for zoning permit for the solar energy facility shall include:
 - a. A site plan:
 - [i] showing all lot lines; adjacent lots, their owners, improvements and easements; existing and proposed on-site improvements; adjacent public roads and private streets; utility rights-of-way and lines; and easements;
 - [ii] demonstrating compliance with requirements of this Section and all other applicable requirements of this Ordinance, including but not limited to the requirements of the zoning district in which located, parking, landscaping and signage;

- [iii] depicting the facility and its principal components including, but not limited to, related ancillary facilities and structures. Such information shall be depicted upon the site plan even if it is located underground; and
 - [iv] demonstrating compliance with requirements of this Section and all other applicable requirements of this Ordinance, including but not limited to, the requirements of the zoning district in which located, parking, landscaping and signage.
- b. Glare analysis demonstrating, through components design, siting or mitigation measures, that any glare produced by the solar energy facility will not have an adverse impact on adjacent uses and roadways.
- c. A noise and vibration assessment study, including noise mitigation measures, prepared and sealed by a professional acoustical engineer, demonstrating compliance with the noise standards of this Ordinance.
- d. Manufacturer specifications for the key components of the solar energy facility, including written confirmation of compliance with a recognized industry standard, rating and/or certification, including but not limited to, Underwriters Laboratories (UL) and Solar Rating and Certification Corporation (SRCC). If not available at the time of submission of the application, this information shall be submitted at the time of application for a building or electric permit (where required and whichever is submitted first) or 30 calendar days prior to the start of site development, whichever occurs first.
- e. Written confirmation that the public utility to which the solar energy facility will be interconnected agrees to and has approved of the interconnection. If not available at the time of submission of the application, this information shall be submitted at the time of application for a building or electric permit (where required and whichever is submitted first) or 30 calendar days prior to the start of site development, whichever occurs first.
- f. The applicant shall identify the installer(s) of solar panels in a writing submitted to the Township no later than 30 days in advance of the start of installation.
- g. Any written solar easements existing or intended to be entered prior to the issuance of the zoning permit. *Note: The zoning permit for the solar energy use does not create or establish any rights to remain free of shadows or obstructions caused by use and development of adjacent lots, including growth of natural vegetation or planting and growth of landscaping. The issuance of the zoning permit does not create or establish any obligation or right of the Township to enforce private solar easements submitted with the application.*

- h. An incident response plan prepared in consultation with fire and emergency medical services providers serving the area of the proposed use.
- i. A decommissioning plan including the following:
 - [i] anticipated life of the solar energy facility;
 - [ii] defined conditions under which decommissioning will be initiated (e.g., expiration of land lease, intent to abandon, etc.);
 - [iii] description of the manner of disposal of structures, equipment and materials, including disposal of any hazardous waste;
 - [iv] description of activities for the restoration of property to pre-development conditions;
 - [v] estimated decommissioning cost without regard to salvage value of the materials and equipment;
 - [vi] identification of entity responsible for decommissioning and acknowledgement of requirement for written notice to Township 60 days in advance of a change in project ownership; decommissioning responsibility; and
 - [vii] proposed amount and proposed form of performance security.

Upon acceptance by the Board of Supervisors, the decommissioning plan shall be recorded with the Recorder of Deeds.

- 2. The solar energy facility use developed area shall exclude:
 - a. floodplains and wetlands, except to extent permitted to be developed under federal or state law;
 - b. area within 25' of the center-line of a natural or man-made drainage corridor;
 - c. area within 50' from a designated wetlands, except to extent permitted to be developed under federal or state law;
 - d. area within a riparian buffer required by federal or state law;
 - e. slopes exceeding 15%;
 - f. road rights-of-way;
 - g. setbacks; and

- h. unique ecological features identified in the Pennsylvania Natural Diversity Inventory.
3. Solar energy panels and support structures shall not be placed in areas excluded by Subsection B.2.
4. Solar energy panels and support structures shall be constructed of non-reflective materials.
5. Noise generated from the activities at the use shall not exceed 60 dBA measured at the lot line, but in no event shall exceed the ambient noise level, measured at the lot line and made a part of the application, by more than 10 dBA.
6. Ground-mounted solar panels shall not exceed a height of 12 feet at the highest point of the structure.
7. The solar energy facility shall be no closer than 200 feet from the lot line of an adjacent lot improved with a dwelling or an unimproved lot in a residential zoning district; provided that the setback shall not apply to a shared property line of properties hosting a single solar energy facility.
8. The solar energy facility shall be enclosed with a fence not exceeding eight feet in height with a self-locking gate. The fence shall maintain a minimum ground clearance of six inches. The required perimeter fence shall be placed on the inside of the required buffer.
9. An access drive meeting the requirements of the Subdivision and Land Development Ordinance shall be provided prior to development of the property for the proposed use. The access drive shall be a minimum width of 25 feet from the intersection with the public road to the required fence line. The interior of the solar energy facility shall be improved with interior travel aisles with a minimum width of 15 feet and sufficient in location and construction to allow access by maintenance vehicles and emergency management vehicles.
10. The solar energy facility shall not be used for displaying advertising except for reasonable identification of the manufacturer and ownership of the facility. In no case shall such identification exceed 864 square inches.
11. The solar energy facility shall be improved with lighting only to the extent required for safety.
12. Buffer.
 - a. A buffer no less than 30 feet in depth shall be required along (i) any public road frontage and (ii) any lot line adjacent to a lot improved with a dwelling

or an unimproved lot in a residential zoning district, provided that the buffer along a lot line shall not apply to lots hosting a single solar energy facility. Where the siting of the solar energy facility requires the buffer to be sited in the immediate proximity of a public road, the required buffer shall be measured from the existing right-of-way or from the minimum future right-of-way, whichever is larger.

- b. The buffer shall be planted to establish a visual screen meeting the following requirements:
 - [i] The buffer shall be designed to provide a natural looking visual element, including a mix of species and spacing. Monotonous rows of plantings and the use of a single row of repeated species of plantings is discouraged. American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements.
 - [ii] Required plantings shall be primarily of species native to Pennsylvania and appropriate to the conditions of the lot, including but not limited to wet or shaded areas or within or adjacent to impervious surfaces. Plantings shall be resistant to disease, road salt and air pollution and be attractive and sturdy. All plantings shall be of symmetrical growth and free of insect pests and disease.
 - [iii] Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 3 years a mostly solid year-round visual screen at least 6 feet in height. An average of one deciduous shade tree, with a minimum trunk diameter of 2 inches measured 6 inches above the finished ground level, shall be placed for each 50 feet of length of the buffer; provided, however, the deciduous shade trees may be clustered or spaced unevenly to provide a natural looking visual element. If healthy trees with a trunk diameter of 6 inches or greater (measured 4.5 feet above the ground level) exist within the buffer, they shall be preserved to the maximum extent feasible to meet the same purposes as the new plant screening. Shrubs shall be a minimum of 36 inches at the time of planting.
 - [iv] Required plantings shall be:
 - a. planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air; and
 - b. properly protected by distance or other devices against damage from vehicles.

[v] The planted visual screen shall be continuous, except for vehicle or pedestrian ingress and egress sited perpendicular to the buffer; locations necessary to comply with sight distance requirements; locations needed to meet other specific State, Township and utility requirements, such as storm water swales.

[vi] Required buffers shall be planted before installation of solar panels.

13. 10% of the lot area of the solar energy facility, excluding a required buffer and woodlands, shall be planted in native vegetation that attracts pollinators.
14. On-site utility facilities, including but not limited to transmission lines shall be placed underground to the maximum extent feasible.
15. Layout, design and installation of the solar energy facility shall conform to applicable industry standards as exist at the time of application (layout and design) or development (installation), such as those of the Underwriters Laboratories (UL), Solar Rating and Certification Corporation (SRCC), or other similar certifying organizations and shall conform to the Pennsylvania Uniform Construction Code.
16. The solar energy facility shall at all times be maintained and kept in good working order and repair.
 - a. Broken panels shall be removed within 48 hours of breakage.
 - b. A maintenance inspection shall be conducted annually and within 48 hours after the conclusion of a storm event determined to be a tropical storm or hurricane or a tornado or events reported by the National Weather Service as having involved straight wind/wind shear or hail. Such inspection shall include panel and array inspections for breakage and structural failure. A written report of the maintenance inspection shall be submitted to the Township no later than 10 business days after the inspection is conducted.
17. The Township shall receive 30-day advance written notice of a change in ownership of the facility.
18. The owner and operator of the solar energy facility shall post in a prominent location current information identifying the owner and operator of the facility, the person to contact with inquiries or complaints and his/her toll-free telephone number. The owner and operator shall also provide this information in writing to the Township Secretary no later than 30 days before the start of operations. No later than 30 days prior to a change in owner or operator of the facility, the current owner and operator shall provide written notice to the Township of the change, the name(s) of the new owner and/or operator and their contact information (address and telephone number). No later than the change in owner and/or operator, the identification sign posted at the facility shall be updated.

19. The owner and operator of the solar energy facility shall notify the Township immediately upon the cessation and/or abandonment of the solar energy facility. Cessation and/or abandonment shall be presumed if no power is generated for a period of six months. No later than one year following cessation and/or abandonment, the solar energy facility shall be decommissioned. Decommissioning means that solar panels, solar related equipment and transmission lines except electric and associated communication lines buried more than 42" below grade shall be removed and the site restored to a natural condition.
20. Performance security to decommission the solar energy facility in the amount of \$100,000/megawatt, as determined by an appropriate professional and accepted by the Township, and in an appropriate form, as determined by the Township Solicitor, shall be provided to the Township. Performance security may be reduced by a credit of 80% of salvage value. Performance security may be in the form of an escrow account with a federal or Commonwealth of Pennsylvania chartered lending institution or held by the Township, an irrevocable letter of credit issued by a federal or Commonwealth of Pennsylvania chartered lending institution, or a bond issued by a bonding company authorized to conduct such business in the Commonwealth of Pennsylvania. The approved amount and form of performance security shall be submitted to the Township no later than the submission of the application for a building or electric permit (where required and whichever is submitted first) or 30 calendar days prior to the start of development of the lot for the solar energy facility use, whichever occurs first. Every five years of the date of submission of initial performance security, the owner of the solar energy facility shall submit an updated decommissioning cost estimate and submit additional performance security for any increase in decommissioning costs within 30 calendar days of acceptance of the update by the Township.
21. Prior to the start of development, the applicant shall submit a photographic and written description prepared by a professional traffic engineer which documents the pre-construction condition of the portion of each Township road intended to be used by construction/delivery vehicles during construction of the use. Prior to the start of operations, the applicant shall submit a photographic and written description prepared by a professional traffic engineer which documents the post-construction condition of the portion of each Township road used by construction/delivery vehicles during construction of the use.
22. Prior to the start of development of the use, baseline testing of water samples from domestic supply wells on lots adjacent to the proposed solar energy facility for cadmium, zinc, nickel, mercury and copper shall be performed by a recognized Pennsylvania laboratory. Results of such testing shall be provided to the Township and to the owners of the wells prior to the start of development. In the event that a well owner refuses access to a well for sampling, the applicant shall notify the Township in writing of the refusal, with a copy to the well owner, and shall not be required to sample the well.

23. Milestones

- a. If a conditional use applicant for a solar energy facility use believes the project will take more than one year to market and construct from the date of granting of the approval, the applicant may submit a schedule of milestones that it intends to complete, not to exceed a total of four years.
- b. If a conditional use is approved for a solar energy facility use that includes milestones to be completed beyond one year, the approval shall only expire if the applicant, or its assigns, has not completed the milestones submitted and approved with its application within the necessary timeframes or the project is not established, erected or substantially completed within four years after the grant of the conditional use; provided, however, that the Board of Supervisors may grant no more than three extensions of six months beyond any of the expiration periods, upon finding that (i) the applicant has acted with due diligence and (ii) reasonable grounds exist for such extension.

Section 4. Repealer

All other ordinances of Reading Township that conflict with this Ordinance are hereby repealed. All other ordinances of the Township not specifically amended or repealed hereby shall remain in full force and effect.

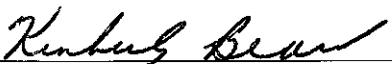
Section 5. Effective Date

This Ordinance shall become effective five days from the date of enactment.

ENACTED this 18th day of November, 2024.

BOARD OF SUPERVISORS
READING TOWNSHIP,
ADAMS COUNTY, PENNSYLVANIA

ATTEST:



Kimberly Beard, Secretary

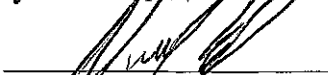
SEAL



Wes Thomason, Chairman



Jason Phillips, Vice-Chairman



Mike Weigand, Supervisor