SOUTH NEWTON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024-04

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF SOUTH NEWTON, CUMBERLAND COUNTY, PENNSYLVANIA, IN ORDER TO PROVIDE UPDATED DEFINITIONS, STANDARDS AND REQUIREMENTS FOR SOLAR ENERGY SYSTEMS WITHIN THE TOWNSHIP

WHEREAS, the Township desires to amend the Zoning Ordinance of South Newton Township to provide for Solar Energy Systems within the Township.

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

Section 1. Purpose

The purpose of this Ordinance is to amend the Zoning Ordinance to provide updated definitions, standards and requirements for Solar Energy Systems within the Township.

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

Where new text requires section numbering, such renumbering shall be made upon adoption of the Ordinance.

ARTICLE I, SHORT TITLE, PURPOSE AND COMMUNITY DEVELOPMENT OBJECTIVES

Section 1.4 Definitions:

Amend Section 1.4 Definitions as follows:

Definitions 183 through 187, inclusive, are hereby deleted.

The following definitions are hereby added to Section 1.4 Definitions; all definitions in this section shall be renumbered accordingly:

ACCESSORY SOLAR ENERGY SYSTEM (ASES): An area of land or other area used for a solar energy 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. Ground mounted or freestanding Solar Energy Systems with an output size of 10kw or less shall be considered Accessory Solar Energy Systems. Roof Mounted Solar Energy Systems on the roofs of buildings on-site used primarily for on-site use shall have no limit as to energy output. 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.

AGRIVOLTAICS: The co-development of the same area of land for both solar array power and conventional agriculture.

GLARE: The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

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. 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: Radiant energy (direct, diffuse and/or reflective) received from the sun.

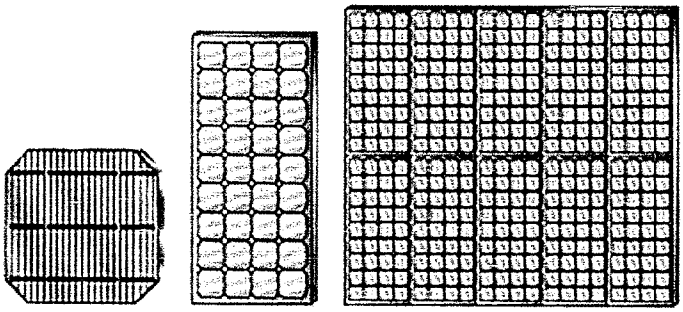
SOLAR ENERGY SYSTEM: An area of land used for a solar collection system principally to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power.

SOLAR PANEL: That part or portion of a solar energy system 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 electricity.

SOLAR PROJECT AREA: The total area of land including the Principal Solar Energy System, the space between solar arrays, stormwater management area, access drives, fencing and internal access roads. The Solar Project Area does not include any area set aside for agricultural uses and designed to be adequate for the maneuverability of typical farm equipment.

SOLAR RELATED EQUIPMENT: Items including a solar array cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

1. SOLAR CELL: The smallest basic solar electric device which generates electricity when exposed to light.
2. SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy.
3. SOLAR ARRAY: A grouping of multiple solar modules with purpose of harvesting solar energy.



ARTICLE III, DISTRICT REGULATIONS

Section 3.1 Conservation (C) District:

Amend Section 3.1B. Permitted Uses as follows:

Add 7. Accessory Solar Energy Systems (AES) as regulated in Section 5.29

Amend Section 3.1D. Conditional Uses as follows:

Delete, in its entirety, 2. Residential Solar Power as regulated in Section 8.13

Amend Section 3.1E. Prohibited Uses as follows:

Delete, in its entirety, 2. Commercial Solar Power and add 2. Principal Solar Energy Systems (PSES) as regulated in Section 5.29

Section 3.2 Agricultural (A) District:

Amend Section 3.2B. Permitted Uses as follows:

Add 18. Accessory Solar Energy Systems (AES) as regulated in Section 5.29

Amend Section 3.2C. Conditional Uses as follows:

Add 6. Principal Solar Energy Systems (PSES) as regulated in Section 5.29

Section 3.3 Residential (R) District:

Amend Section 3.3B. Permitted Uses as follows:

Add 12. Accessory Solar Energy Systems (AES) as regulated in Section 5.29

Amend Section 3.3C. Conditional Uses as follows:

Delete, in its entirety, 2. Residential Solar Power as regulated in Section 8.13

Amend Section 3.3D. Prohibited Uses as follows:

Delete, in its entirety, 2. Commercial Solar Power as regulated in Section 8.13 and add 2. Principal Solar Energy Systems (PSES) as regulated in Section 5.29

ARTICLE IV, Commercial-Industrial District (CI)

Section 4.3 Permitted Uses:

Amend Section 4.3 Permitted Uses as follows:

Add 28. Accessory Solar Energy Systems (AES) as regulated in Section 5.29

Section 4.4 Conditional Uses:

Amend Section 4.4 Conditional Uses as follows:

Add GG. Principal Solar Energy Systems (PSES) as regulated in Section 5.29

ARTICLE V, Supplementary Regulations

Add the following Section 5.29 in its entirety:

Section 5.29 Solar Energy Systems

A. ALL SOLAR ENERGY SYSTEMS

The following regulations apply to all solar energy systems including Principal Solar Energy Systems and Accessory Solar Energy Systems.

1. Solar energy systems constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing solar energy system, whether or not existing prior to the effective date of this Section that materially alters the solar energy system shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
2. The Solar energy system layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM),), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Township and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
3. Upon completion of installation, the solar energy system shall be maintained in good working order in accordance with standards of the municipal codes under which the solar energy system was constructed. Failure

of the property owner to maintain the solar energy system in good working order is grounds for appropriate enforcement actions by the township in accordance with applicable ordinances.

4. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
5. Glare
    a. All solar energy systems shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways. Exterior surfaces shall have a non-reflective finish.
    b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
6. No portion of the solar energy system shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.
7. Prior to the issuance of a zoning or land use permit, solar energy system applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself;
    a. The right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or
    b. The right to prohibit the development on or growth of any trees or vegetation on such property.

    This acknowledgement shall be submitted to the township and placed on any required subdivision and/or land development plans.
8. Solar Easements
    a. Where a subdivision or land development proposes a solar energy system, solar easements may be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements.
    b. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:
        i. A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
        ii. Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
        iii. Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
        iv. Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.
    c. If necessary, a solar energy system owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).
9. Stormwater Requirements
    a. The following components of a solar energy system shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:
        i. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
        ii. All mechanical equipment of the system including any structure for batteries or storage cells.

10. Impervious coverage limitations established in this section and a detailed stormwater analysis including post construction stormwater management (PCSM) requirements pursuant to 25 Pa. Code § 102.8(n) are required for all solar energy systems unless the requirements listed below are met.

    a. Earth disturbance and grading activities should be minimized, and natural vegetative cover should be preserved or restored. Low impact construction techniques should be used to the maximum extent practicable.

    b. The post-construction condition should have a minimum uniform 90% perennial vegetative cover with a density capable of resisting accelerated erosion and sedimentation. In addition, the following criteria should be met

        i. A meadow condition is preferable. Ideal vegetation type is native deep-rooted perennial vegetation.

        ii. Existing slopes on the project site should ideally be 10% or less. Projects that need grading within array areas with slopes between 10 to 15%, may be acceptable upon site/project evaluation and certification by a qualified professional engineer and the addition of slope protection, as deemed necessary. At a minimum, projects with slopes exceeding 10% should consider options for maintaining sheet flow and dissipating energy at the drip edge of each row of panels. Sloped areas of greater than 10% and any stormwater management features should also be closely monitored for at least one full growing season after project completion or until vegetation is 90% established. This would be in addition to routine inspections conducted during operation and maintenance throughout the life of the project. Vegetation reinforcement or additional BMPs should be provided accordingly.

        iii. Solar panels should be configured in a manner such that they disconnect surfaces; and promote sheet flow and natural infiltration into the ground beneath the panels.

        iv. If areas beneath the solar panels require mowing, the vegetative cover should not be cut to less than 4 inches in height.

        v. Vegetative areas will not be subject to chemical fertilization or herbicide/pesticides application, except for those applications necessary to establish the vegetative cover (in accordance with an approved erosion and sediment plan) or to support crop production related to agrivoltaics.

        vi. Compaction of subsoil will be avoided. Vehicular traffic should be kept to designated areas and any incidental traffic over the array field by contractors will be minimized to the maximum extent practicable. Construction vehicles and equipment should avoid areas receiving disconnected runoff during installation of the solar panels. If compaction issues are encountered, the project proponent will be responsible to conduct restorative measures (e.g., subsoil should be tilled and amended to return the soil to its pre-compaction condition). Areas receiving runoff should also be protected from future compaction.

        vii. The site should be designed to maintain applicable buffer distances from the delineated watercourse or wetland limits in accordance with federal, state or local regulations.

        viii. The site should not be located directly upslope of areas that are subject to flooding issues-particularly to inhabited structures.

        ix. Sites with soils having slip potential should be more closely evaluated for any geotechnical issues-especially in areas with moderate to steep slopes.

    c. The individual array panels should be arranged in a fashion that:

        i. Allows and supports the passage of sheet flow between each module, thereby minimizing the production of concentrated runoff.

        ii. Allows for the growth of vegetation beneath the panel and between 'arrays'. Shade tolerant vegetation is encouraged.

iii. The length of disconnection (the row gap distance between arrays and the distance beneath the downslope array) is sufficient to infiltrate the runoff from the upslope array. At a minimum, the gap distance between arrays should be equal or greater than the width of the panel array (see below)

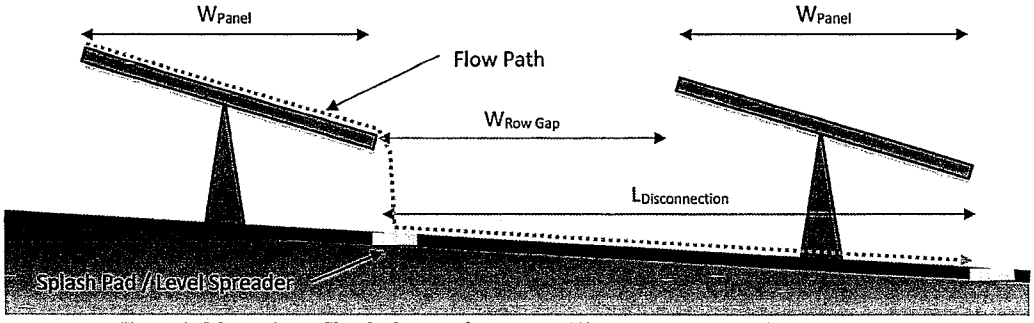


Figure 1: Schematic profile of solar panel array providing impervious area disconnection.

Source: Ohio EPA, October 2019

d. To qualify for the PCSM exemption, a licensed professional must conduct an assessment of the proposed solar panel support structures/foundations with regard to increases in earth disturbance and impervious cover as compared to the existing condition. The assessment should demonstrate no greater than a 5% increase in impervious cover compared to the total site area (excluding access drives and service buildings).

e. Minimize the lowest vertical clearance of the solar array (when at resting position during storm events) while retaining sufficient height to sustain perennial deep-rooted vegetation and optimizing infiltration below the array. Limiting the vertical clearance of the solar array will minimize the potential for accelerated erosion to occur along the drip line of the solar array. Additional controls such as turf reinforcement/energy dissipation may be needed to address erosion and scour along the dripline-particularly in cases where the lowest vertical clearance of solar panels from the ground exceeds 10 feet.

C. PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)

1. Regulations Applicable to All Principal Solar Energy Systems:

a. PSES are permitted in specified zoning districts based upon the table below:

Use Table	
District	Principal Solar Energy Systems
Agricultural (A)	Conditional Use
Conservation (C)	Not Permitted
Residential (R)	Not Permitted
Commercial-Industrial (CI)	Conditional Use

b. Plan Requirements. A report and plan highlighting the existing conditions of the property shall be included in the submission to the township. The information should highlight existing vegetation, topography, and other existing natural features.

i. Ground mounted PSES require submission of a land development plan if the solar project area is greater than 5,000 square feet.

ii. Roof mounted PSES do not require submission of a land development plan.

c. Permit Requirements

i. PSES shall comply with the township subdivision and land development ordinance requirements through submission of a land development plan. The installation of PSES shall be in compliance with all applicable permit requirements, codes and regulations.

d. Decommissioning of PSES:

i. The solar energy system owner is required to notify the township immediately upon cessation or abandonment of the operation. The solar energy system shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of 12 continuous months **or a total of 12 months in a 24-month period.**

ii. The solar energy system owner shall then have 12 months from abandonment in which to dismantle and remove the solar energy system including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. **If the owner fails to dismantle and/or remove the solar energy system within the established timeframes, the township may complete the decommissioning at the owner's expense.**

iii. At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the township to secure its obligations under this Section.

a) The PSES Developer shall, at the time of application, provide the township with an estimate of the cost of performing the decommissioning activities required herein, together with an administrative and inflation factor of 25% to account for the cost of obtaining permits to complete said activities. The estimate may include an estimated salvage and resale value, discounted by a factor of 50%. The decommissioning cost estimate formula shall be: Gross Cost of decommissioning activities + Administrative Factor of 25% - Salvage and resale credit of 50% = the decommissioning cost estimate.

b) On every 5th anniversary of the date of providing the decommissioning financial security the PSES Owner shall provide an updated decommission cost estimate, utilized the formula set forth above with adjustments for inflation and cost and value changes. If the decommissioning security amount changes, the PSES Owner shall remit the increased financial security to the township within 30 days of the approval of the updated decommissioning security estimate by the township.

c) Decommissioning security estimates shall be subject to review and approval by the township and the PSES Developer/ Owner shall be responsible for administrative, legal, and engineering costs incurred by the township for such review.

d) The decommissioning security may be in the form of a check.

e) Prior to approval of any plan or permit for a PSES, the PSES Developer shall enter into a Decommissioning Agreement with the township outlining the responsibility of the parties under this Agreement as to the Decommissioning of the PSES.

e. Dimensional Requirements

System Type:	Requirement:	Zoning Districts	
		Agricultural (A)	Commercial-Industrial (CI)
Principal Solar Energy Systems	Minimum Lot Size (acres)	100	10
	Minimum Setbacks (feet)*	75 (all yards)	See underlying District requirement
	Maximum Height (feet)	20 (at maximum tilt)	20 (at maximum tilt)

System Type:	Requirement:	Zoning Districts	
		Agricultural (A)	Commercial-Industrial (CI)
	Impervious Coverage	30%	70%
*PSES that abut PSES on another parcel shall not be subject to setback requirements.			

f. Environmental Protection

i. All PSES must be set back a distance of 100 feet from any area designated as a wetland, a FEMA Floodplain, or an area containing 15% slope or greater.

ii. In Agricultural Districts, the solar project area shall only be located on 10% of the total class I and class II soils within the parcel boundary. This requirement does not apply if the project area is proposing agrivoltaics.

a) The undeveloped portion of class I and class II soils shall be designed for agricultural use and adequate for maneuverability of typical farm equipment.

iii. Soils shall be as identified by the USDA NRCS Web Soil Mapper.

g. Ground mounted PSES shall be screened from adjoining residential uses or zones according to the standards found in Section 5.12 of the zoning ordinance.

h. PSES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

i. Security

i. All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate. The fence shall meet setback requirements noted in this section.

ii. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the PSES informing individuals of potential voltage hazards.

j. Access

i. Between the solar arrays, a 20 foot wide emergency access shall be provided to allow access for maintenance vehicles and emergency management. Emergency access width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.

a) If the PSES is exempt from stormwater requirements as specified in this section, vegetation must be maintained or replaced after maintenance and/or emergency use.

ii. Access to the PSES shall comply with the access drive requirements in the Subdivision and Land Development Ordinance.

k. PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.

l. The owner of a PSES shall provide the township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system. The written confirmation shall include a statement of capacity and approval of the proposed connection.

2. Roof and Wall Mounted Principal Solar Energy Systems:

a. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Township that the roof or wall is capable of holding the load imposed on the structure.

b. PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

c. Integrated or separate flush mounted solar panels shall be located only on rear or side-facing roofs as viewed from the any adjacent street unless the proposed location prevents the solar energy system from operating as designed, as certified in writing by the manufacturer or installer. Removal of potential obstructions such as vegetation shall not be considered sufficient cause for permitting panel installation on a front-facing roof.

D. ACCESSORY SOLAR ENERGY SYSTEMS (ASES)

1. Regulations Applicable to All Accessory Solar Energy Systems:

a. ASES shall be permitted as a use by right in all zoning districts. Ground mounted ASES that have a power rating more than 10kW shall comply with the requirements for Principal Solar Energy Systems.

b. Permit Requirements

i. Zoning /building permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.

ii. The zoning/building permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.

iii. The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.

2. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

a. A roof mounted or wall mounted ASES may be located on a principal or accessory building.

b. ASES mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within each of the underlying Zoning Districts.

c. Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.

d. Integrated or separate flush mounted solar panels shall be located only on rear or side-facing roofs as viewed from the any adjacent street unless the proposed location prevents the solar energy system from operating as designed, as certified in writing by the manufacturer or installer. Removal of potential obstructions such as vegetation shall not be considered sufficient cause for permitting panel installation on a front-facing roof.

e. Solar panels shall not extend beyond any portion of the roof edge.

f. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the township that the roof or wall is capable of holding the load imposed on the structure.

3. Ground Mounted Accessory Solar Energy Systems:

a. Setbacks

i. Ground mounted ASES are not permitted in the required front yard. ASES that are located in front of a principal building shall be screened in accordance with section 5.12 of the zoning ordinance.

ii. The minimum yard setbacks from side and rear property lines shall be equivalent to the principal structure setback in the zoning district.

b. Height

i. Freestanding ground mounted ASES shall not exceed 20 feet.

c. Screening

i. Ground mounted ASES shall be screened from adjoining residential uses or zones according to the standards found in Section 5.12 of this ordinance.

d. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.

e. Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

ARTICLE VIII, Procedure and Standards for Conditional Uses

Delete Section 8.13 Solar Energy Systems in its entirety.

Section 4. Effective Date

This Ordinance shall become effective upon the date of enactment.

ENACTED this 20th day of August 2024.

ATTEST:

AMI M. MYERS
TOWNSHIP SECRETARY

SEAL

SOUTH NEWTON TOWNSHIP
BOARD OF SUPERVISORS

By: _____
DAVID E. DURFF
CHAIRMAN

By: _____
KEVIN B. GANTZ
VICE CHAIRMAN

By: _____
MARK S. HENRY
SUPERVISOR

PLANNING DEPARTMENT
Cumberland County

Cumberland County Review Report

Cumberland County Planning Department
310 Allen Road, Suite 101
Carlisle, PA 17013
Telephone: (717) 240-5362

Recommendation: *Approval With Comments*

Name of Amendment:				
Solar Field Amendment to Zoning Ordinance				
Municipality:	*Date Received:*	*Date Reviewed:*	*Reviewed By:*	*Checked By:*
South Newton Township	5/29/2024	6/14/2024	EG	KS
Type of Amendment:				
Zoning Text Amendment				

Explanation of Amendment:

South Newton Township has submitted a zoning ordinance amendment for the use of Solar Energy Systems to be added to the supplementary regulations. The ordinance provides definitions, guidelines for use and decommissioning for principal and accessory solar energy systems. Accessory solar energy systems are provided by right in all zoning districts. Principal solar energy systems are permitted by conditional use in the agricultural and commercial-industrial district. The ordinance is consistent with the Cumberland County Comprehensive plan and uses model guidance provided by the County Planning Department.

Administrative Comments and Recommendations:

1. Section 5.29.C., page 5. The township should consider adding PSES and ASES to the use tables in appropriate sections of the zoning ordinance.
2. Highlighting should be removed from the text.
3. Section 5.29.C..1.d.i.d has a series of extraneous punctuation marks that should be removed.

Technical Comments and Recommendations:

4. To improve compatibility of use and preserve historic resources, the township may consider a setback requirement for PSES bordering properties listed or eligible for National Register of Historic Places.
5. Section 5.29.B.7 page 2 – This decommissioning process is less intense than the process for PSES included in Section 5.29.C.1.d. Presumably, this process would then apply only to accessory solar energy systems. The township should consider the administrative burden that accompanies this regulation. How will the township know when an accessory solar energy system is no longer in use? How does a nonfunctioning system differ in community impact from other vacant or unused structures on a private property? Why does this use require decommissioning and others do not? The township should consider removing this requirement for ASES.
6. Section 5.29.B.11., pages 3-4 – The term photovoltaic panel is repeatedly used in this section but not defined. The term should be defined in Section 5.29.A or referenced using another similar term, perhaps "array".

7. Section 5.29.C.1.c.ii, page 5 – This regulation is duplicative of Section 5.29.B.3 which applies to all solar energy systems. This regulation can be removed.
8. Section 5.29.C.1.e., page 6 – The 150' setback for PSES in the A district is excessive. PSES are low intensity uses that have minimal impacts on surrounding properties. The large setback does little to protect public health, safety, and welfare, and it consumes large amounts of land that could otherwise be used for farming. The township should consider decreasing the setback to 50' or less assuming appropriate screening is provided, especially for properties next to residential districts or uses.
9. Section 5.29.D.2.d., page 8 – What is the rationale for having roof mounted ASES only mounted on roofs facing away from the street? ASES should be permitted wherever they are most functional.

"Section 505 (b) and 609 (g) of the Municipalities Planning Code requires that amendments to municipal ordinances be filed with the county planning agency. If this amendment is approved, please forward a final copy to the county planning office so we may update our records."