



Hellam Township Planning Commission
April 25, 2024
6:00 P.M.

1. Opening Agenda

- A. Call to Order
- B. Pledge of Allegiance

2. Minutes Approval

- A. April 11, 2024 draft meeting minutes

3. New Business

None

4. Ongoing Business

- A. Solar Ordinance Amendment
- B. EAC Checklist
- C. Riverland 1&2 Ordinance
- D. Ordinance review Restaurant, Drive-through §490-109 & Restaurant, Fast-Food §490-110
- E. Logistics/Warehouse Ordinance
- F. Understanding the Township (review of prior research and tasks to continue and validate research)

5. Correspondence/Reports

- A. Zoning Department Summary March 2024

6. Upcoming Meetings

Next Planning Commission Meeting – May 9, 2024

7. Adjournment

Zoom Log In

Meeting ID: 634 220 1697

Password: Hellam44

**HELLAM TOWNSHIP
PLANNING COMMISSION MEETING
Minutes of April 11, 2024**

The meeting was called to order at 6:00 PM by Devin Winand. The meeting was held at the Hellam Township Municipal Building. Devin Winand led the Pledge of Allegiance. Other members present were Jay Kokiko, Michael Shillott, Steve Fetrow, John Eifert, Rick Cooper, Chris Altland and Robert Searer-Alternate. Other attendees included Corina Mann, Township Manager and Supervisor Nedette Otterbein

Minutes Approval:

Upon a motion by Mr. Shillott and seconded by Mr. Kokiko, the minutes from the March 18, 2024 meeting were approved, with changes. Motion carried unanimously.

New Business

None

On-going Business:

- A. Solar Ordinance: Definitions and the large and small scale solar have been provided. Will be distributed for the Planning Commission meeting on April 25, 2024. The survey is completed and ready for posting to Engage and hardcopies will be available for distribution to the library and other facilities. Hard copies will be available for handout during the polling on April 23, 2024.
- B. Shooting Range Ordinance: The draft ordinance was reviewed and changes were made. Upon a motion by John Eifert, seconded by Michael Shillott, the draft ordinance, with changes, was approved for presentation to the Board of Supervisors for review, comments and possible advertisement for adoption. Motion carried unanimously.
- C. EAC Checklist: Review the checklist to ensure that it provides clear direction for the EAC. Supervisor Otterbein, Mr. Shillott, Mr. Eifert, and one member of the EAC will review the checklist.
- D. Riverlands: A draft for the Riverlands has been completed, but not adopted. It was discussed that this should be reviewed. Mr. Shillott said that the Township should review the waiver requests and that the Planning Commission typically makes a motion to approve the waiver requests. These approvals put our ordinances into questions. It was also stated that the characteristics of the river are changing and that due to these changes our zoning classifications should be reviewed.
- E. ADUs: The ADUs will be removed from the focus list for now.
- F. 490-109D & 110C: Review of the ordinance focusing on that the ordinance currently reads that no part of the subject property shall be located with 200 feet of any R or R-A Zone. Discussion on replacing the word property with more appropriate language.

- G. Warehousing & Logistics: Mr. Winand and Mr. Fetrow are the champion's assigned. Mr. Kokiko will assist.
- H. Understanding the Township: Originally created in anticipation of the comprehensive plan being reviewed and or updated. Supervisor Otterbein suggested a review of the current comprehensive plan to identify key features and infrastructure in the Township. Resident, Stephanie Heisey, stated that she agrees with Supervisor Otterbein. Stephanie stated that there are historic properties and the Township is not aware of the historic significance and that we (Township) are granting variances that do not take account of these factors. Mr. Winand encouraged everyone to review the current comprehensive plan. He stated that it is a good plan even though it is dated. Mr. Shillow and Mr. Winand will continue work on this.

Correspondence/Reports

Mr. Eifert presented a summary from what he got out of the Planning Commission training that was attended by several commission members. The list was reviewed and all thanked him for the compilation. (Attached)

The next Planning Commission meeting is scheduled for April 25, 2024 at which time the Commission will review the Draft Solar Ordinance changes which includes, small scale solar, large scale solar and definitions.

Meeting adjourned at 6:51PM.

Respectfully submitted,

Corina Mann, Manager

Keys Points Learned from the Community Planning Training

- 1) The Planning Commission should know more about the Pennsylvania Municipal Planning Code than any other body in a municipality.
- 2) PA is second to FLA for % of Senior population in their state.
- 3) When creating or updating your Comp Plan, look at the York County growth boundary map and your neighboring municipalities zoning, Comp Plan and growth conditions.
- 4) Four "Multiple Municipal" Comp Plans are being developed in York County right now.
- 5) On a growth boundary map make sure the specific zoning applied drives the growth boundary. The line must have the teeth of the different zoning to create the line.
- 6) Use incentive measures versus regulation whenever possible to obtain desired results.
- 7) When creating a new Comp Plan, it is only persuasive when it is realistic.
- 8) The ZHB does not necessarily have to read the Planning Commissions Minutes.
- 9) Try to make sure a Planning Commission member is present at your BOS and ZHB meetings when the commission has made a recommendation to a particular item that will be on those board meetings agenda.
- 10) The Comprehensive Plan has no teeth on its own but if the Comprehensive Plan and the Municipalities zoning are properly aligned the zoning in place has a backing of the intended purpose for that zone.
- 11) **One Principle Use per lot.** Comments from the training staff to my question about principal uses.
 - a) More than one Principle Use on a lot can work in commercial or industrial type zones. This can provide higher densities, better flexibility, and greater utilization of infrastructure in those zones.
 - b) More than one Principle Use in an ag/rural or residential zone is not recommended. This can cause legal disparities on the parcel, conflicts of responsibilities for maintenance of infrastructure on the parcel, higher use of public services such as schools and utilities without matching additional tax revenue.

**ORDINANCE NO. 20xx-xx
HELLAM TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF HELLAM TOWNSHIP, YORK
COUNTY, PENNSYLVANIA, AMENDING THE ZONING
ORDINANCE OF THE TOWNSHIP OF HELLAM
FOR SOLAR ENERGY**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Hellam, and it is hereby enacted and ordained, as follows:

SECTION 1: The Zoning Ordinance of the Township of Hellam, as amended and as codified in Chapter 490 of the Code of the Township of Hellam is further amended as follows:

A. Section 490-11 – Shall be amended to add the following definition:

ACCESSORY SOLAR ENERGY SYSTEM

An Accessory Solar Energy System (ASES) is defined as a solar energy system that captures solar energy and converts it to electrical or thermal energy and is primarily used at a residential primary structure and /or accessory structure. The system can be: 1. mounted on a roof and its output potential is not limited; 2. attached to the wall of the primary or accessory use structure or 3. is ground mounted. The power output for either the wall or ground mounted systems is 15 kW maximum. The solar energy system consists of solar panels, panels mounted in arrays, support structure for the arrays, battery storage or other storage methods to retain the energy captured (not always present), wiring and other related equipment. ASES systems are usually measured in kW.

AGRIVOLTAICS

Agrivoltaics (or referred to as Agri-solar) is the co-development of the same area of land for both solar energy power generation and agriculture.

BATTERY ENERGY STORAGE SYSTEM

Battery Energy Storage System (BESS) or similar storage system includes the batteries and all connection equipment. The battery storage equipment shall be housed in a ventilated structure capable of limiting flammable gas to 25% of the Lower Flammable Limit (LFL). The structure shall have flat and level concrete floors with acid and impact resistant coating, battery stands coated to withstand acid, rollers that are spark proof, hydrogen gas detectors, aerosol type fire suppression system, eye wash station, area for storage of personnel protective equipment (such as, but not limited to, acid resistant face shields, goggles, aprons and gloves), spill kits, fire extinguishers (ABC, dry chemical, CO2 or foam) and maintenance equipment necessary to maintain battery storage operations. The structure shall meet NFPA 855 standard for the installation of stationary energy storage systems. The structure shall be centrally located in the PSES area. It shall be protected by an eight foot fence with a locked gate. Noise outside the structure shall not exceed 65 decibels.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM

A solar energy system attached to any part of a side or roof of a primary or accessory structure, any time after the structure was completed.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM

A Solar Energy System that is constructed as an integral part of a primary or accessory building or structure.

CONCENTRATED RADIATION

Focused energy in the form of heat or light (or both) that has the potential to cause or has caused damage.

GLARE

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

KILOWATT (kW)

A unit of electrical power equal to 1,000 watts, which constitutes the basic unit of electrical demand.

MEGAWATT (MW)

1 megawatt is equal to 1,000 kilowatts.

MUNICIPALITY

Hellam Township, York County

PRINCIPAL SOLAR ENERGY SYSTEM

Principal Solar Energy System (PSES) are solar energy systems that are more commercially oriented. There are two categories of systems.

The first type is a small system normally referred to as Small Utility Scale System and commonly called a Community Solar Utility Scale System and its output is normally in the range of .5 MW to 15 MW.

The second type is a Large Scale Solar System normally referred to as a Utility Grid Scale System and its output is normally 20 MW or higher. Currently 1 MW output requires a solar energy system that covers about 6-8 acres of space. These solar energy systems capture solar energy and convert it to electrical or thermal power intended for off-site use (power sent to a local utility company). The system consists of solar panels in arrays, support structures, battery storage and accessory building, transmission lines and other supporting accessory equipment. This type of system normally can supply power to thousands of customers. PSES systems are usually measured in MW (one million watts or 1000 kilowatts).

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 INTERCONNECTION

The practical and technical link between the solar energy system and the grid providing the power to the user.

SOLAR ENERGY SYSTEM

An area used for a solar energy collection system principally to capture solar energy, convert it to electrical or thermal power and supply electrical or thermal power.

SOLAR PANEL

The part of a solar energy system containing one or more receptive cells or modules that collect solar energy for conversion to electrical or thermal power.

SOLAR PROJECT AREA

The total area used by the solar energy system, battery storage, buildings/structures, transmission equipment, the space between the solar arrays, stormwater management area, perimeter roads, emergency access roads and turnarounds.

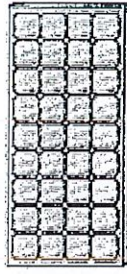
SOLAR RELATED EQUIPMENT

Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, wiring (above and below ground), mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

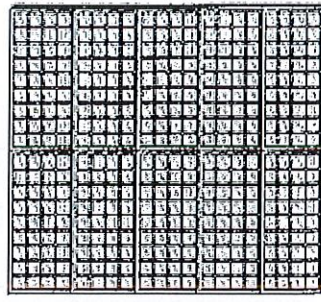
1. **SOLAR CELL:** The smallest basic solar electric device which generates electricity when exposed to light.
2. **SOLAR MODULE:** A grouping of solar cells with the purpose of harvesting solar energy.
3. **SOLAR ARRAY:** A grouping of multiple solar modules with purpose of harvesting solar energy.



Cell



Module



Array

WATT

The metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used.

§ 490-25 Accessory Solar Energy System (ASES) (Title changed __ date __ by Ord. No. _____)

- L. ASES are permitted as an accessory use and on primary or accessory structure in all zoning districts if the following criteria are met: [Amended __ DATE _____ by Ord. No. _____]
- (1) ASES shall be constructed with or after the principal building is constructed/under construction and in accordance with all applicable zoning and building permits. [Amended __ DATE _____ by Ord. No. _____].
 - (a) ASES roof mounted are 15kW or less, Ground or Wall mounted are 15 kW or less and the majority of the power generated is used on site. ASES of 2kW are exempt from this ordinance. [Amended __ DATE _____ by Ord. No. _____]
 - (b) Roof solar panels do not extend past the roof line. [Amended __ DATE _____ by Ord. No. _____]
 - (c) Ground or Wall mounted systems do not exceed 10 % of lot area. [Amended __ DATE _____ by Ord. No. _____]
 - (d) All Ground mounted or Wall mounted ASES shall be fenced (8 foot) with locked gate and vegetative screening on all outward facing sides. [Amended __ DATE _____ by Ord. No. _____]
 - (e) Permits shall be kept on the premises. [Amended __ DATE _____ by Ord. No. _____]
 - (2) All owners of property upon which a solar energy system is installed shall be required, as a condition of the issuance of the zoning permit, to acknowledge in writing to the Township that the issuance of a zoning permit for a solar energy system 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 obstruction 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.
 - (3) An ASES constructed prior to the effective date of this ordinance shall not be required to meet the design, layout, installation, terms and conditions of the ordinance. The manufacturer's specifications shall be submitted as part of the application. Any modification to an existing or approved solar energy system, whether installed or to be installed, that materially alters the system shall require permit re-approval. A permit shall also be required for any upgrades, new technology or capacity increases or relocation of the ASES. Routine maintenance or like-kind replacements do not require do not require a permit. The ASES 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) 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. [Amended __ DATE _____ by Ord. No. _____]
 - (4) All solar energy system installations must be certified by a professional firm from a list of approved solar electric installers provided on the Pennsylvania Sunshine Program website operated by the Pennsylvania Department of Environmental Protection or from the North American Board of Certified Energy Practitioners.

- (5) All structural parts of any ground-mounted solar energy system shall meet all accessory structure setback requirements for the zone in which it is located, but in no event shall they be closer than 15 feet to any side or rear property line. Ground and Wall mounted systems are not allowed in the front yard in any zone.
- (6) An ASES mounted on the roof of any building shall be allowed to exceed the maximum height of the district, provided that they do not exceed the maximum height by more than five feet. If the panels cover more than 50% of the roof area, the owner shall provide evidence, in the form of stamped plans certified by a professional engineer, that the roof is capable of holding the load. [Amended __DATE__ by Ord. No. ____]
- (7) ASES's which are ground-mounted, wall mounted or detached from the principal or accessory structure shall comply with all height restrictions for accessory structures in that zone. [Amended __DATE__ by Ord. No. ____]
- (8) The determination as to whether or not the system constitutes pervious or impervious coverage shall be undertaken by the Zoning Officer at the time of submission of the application based on the material used for ground cover under the system.
- (9) The owner shall provide evidence, in the form of electric usage data, demonstrating that the sizing of the system does not exceed the needs of the property. Off-grid systems shall be exempt from this requirement.
- (10) Ground-mounted solar energy systems shall not be placed within any legal easement or right-of-way location or be placed within any stormwater conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.
- (11) In the Rural Agricultural District, roof-mounted systems are preferred; and if the property owner wishes to install a ground-mounted, wall mounted or freestanding system, the owner shall demonstrate that roof-mounted systems are not practical. Ground-, wall mounted and freestanding components of the energy system shall be permitted on prime agricultural land or prime agricultural soils, provided that the total area of prime agricultural land or prime agricultural soils utilized for the ground-mounted, wall mounted or freestanding components does not exceed the zone's impervious surface requirement All underground on-site utility and transmission lines located on prime agricultural land or prime agricultural soils shall be placed at a sufficient depth (consistent with current electrical codes) so as not to interfere with surface agricultural activities. [Amended __DATE__ by Ord. No. ____]
- (12) A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners and similar materials. The manufacturer's or installer's identification and any appropriate warning signs and placards may be displayed on the solar energy system, provided they comply with the Township's sign regulations.
- (13) The ASES shall be maintained in good working order in accordance with the township and/or industry standards. The system must be keep free of all hazards, including but not limited to faulty/exposed, wiring, loose or missing fastenings, non-functional controls that would case the ASES to be in an unsafe condition and detrimental to public health, safety or general welfare. [Amended __DATE__ by Ord. No. ____]
- (14) Ground Disturbance [Amended __DATE__ by Ord. No. ____]
 - (a) No more than 10% of existing trees shall be removed to install any ASES. Landscaping required by this or other township landscaping development ordinances or attached as a condition of approval shall be completed within 3 months of ASES completion. Any dead vegetation/trees shall be replaced within 2 months or as soon as weather permits. [Amended __DATE__ by Ord. No. ____]

- (b) If a ground-mounted or **wall mounted ASES** is removed, any earth disturbance as a result of the removal of the ground-mounted solar energy system shall be graded and reseeded. **[Amended __DATE__ by Ord. No. ____]**
- (15) Multiple ASES. In the event that a property owner seeks to install more than one roof-mounted, **wall mounted** or ground-mounted solar energy system, the **additional** systems shall require approval by the Zoning Officer and certification of the impact of the same by a registered engineer. **[Amended __DATE__ by Ord. No. ____]**
- (16) **ASES that are no longer functioning/repairable and capable of generating power shall be entirely removed and properly disposed of or recycled within 6 months.** **[Amended __DATE__ by Ord. No. ____]**
- (17) **Glare** **[Amended __DATE__ by Ord. No. ____]**
- (a) **All ASES's shall be placed such that concentrated solar radiation does not project onto nearby structures or roadways. Exterior surfaces shall have a non-reflective finish.** **[Amended __DATE__ by Ord. No. ____]**
- (b) **The applicant has the burden of proving that any glare produced does not have adverse impact on neighboring properties or adjacent uses either through siting or mitigation.** **[Amended __DATE__ by Ord. No. ____]**
- (18) **Noise** **[Amended __DATE__ by Ord. No. ____]**
- (a) **Noise level shall not exceed 65 decibels at the property line of all adjacent properties.** **[Amended __DATE__ by Ord. No. ____]**
- M. Geothermal energy systems. Open-loop geothermal energy systems and any system not meeting the definition of a closed-horizontal-loop geothermal energy system or closed-vertical-loop geothermal energy system are prohibited in the Township. Closed-horizontal-loop geothermal energy systems and closed-vertical-loop geothermal energy systems, as specifically defined, are permitted as accessory structures and accessory uses in all zoning districts if the following criteria are met: **[Added 12-6-2012 by Ord. No. 2012-05]**
- (1) The design and installation of geothermal energy systems and related boreholes for geothermal heat pump systems shall conform to applicable industry standards, including those of the ANSI, the IGSHPA, ASTM, the AR1, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable Township requirements. The manufacturer's specifications shall be submitted as part of the application. The installer must have at least one representative who is certified by IGSHPA.
- (2) In all closed-loop geothermal energy systems relying upon circulating fluids, only nontoxic, biodegradable circulating fluids, such as food-grade propylene glycol, shall be permitted. No dye shall be permitted.
- (3) Setbacks.
- (a) A geothermal energy system shall not be considered an accessory structure for purposes of determining the number of accessory structures permitted on each property.
- (b) Unless otherwise specified, underground geothermal systems shall be located a minimum distance of 10 feet from any property line.
- (c) Minimum well and borehole isolation distances shall be provided as follows:

**Borehole
and
Geothermal
Supply and
Geothermal
Return Well**

**Isolation
Distance
From** (feet)

Lakes,
ponds,
streams or
other surface
waters

50

Storm
drains,
retention
basins,
stabilization
ponds or
stormwater
management
facilities

25

Preparation
area or
storage area
of hazardous
spray
materials,
fertilizers or
chemicals,
salt piles

100

Gravity
sewer lines
and drains
carrying
domestic
sewage or
industrial
waste

50 or

according to
easement

Existing
water and
forced sewer
buried
utilities
and/or utility

Outside
existing
easement or,
if no
easement
exists, no
less than 50

| | |
|--|---|
| Isolation Distance From | Borehole and Geothermal Supply and Geothermal Return Well (feet) |
|--|---|

| | |
|----------|---|
| trenches | feet from the utility or trench center line |
|----------|---|

| | |
|--|----|
| Septic tanks, aerobic tanks or holding tanks | 50 |
|--|----|

| | |
|--|-----|
| Subsurface sewage disposal systems, elevated sand mounds, other sewage disposal fields | 100 |
|--|-----|

| | |
|--------------------------------|-----|
| Sewage seepage pits, cesspools | 100 |
|--------------------------------|-----|

| | |
|---|----|
| Farm silos, barnyards, privies and fuel tanks | 50 |
|---|----|

| | |
|-------------------------|----|
| Rainwater pits, ditches | 25 |
|-------------------------|----|

| | |
|--|----|
| Spray irrigation sites, sewage sludge and septage disposal | 25 |
|--|----|

**Borehole
and
Geothermal
Supply and
Geothermal
Return Well**
**Isolation
Distance
From** (feet)

sites

Dedicated 20
public right-
of-way

- (4) Site plan. The construction documents submitted with the application for a permit shall be accompanied by a site plan showing the size and location of new well construction, proposed buildings, existing and proposed on-lot sewage treatment systems, and existing structures on the site, distances from lot lines, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition or abandonment, the site plan shall show construction to be demolished or abandoned and the location and size of existing structures and construction that are to remain on the site or plot. The municipal official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.
- (5) Construction requirements. All boreholes must be dug, cased, and sealed in accordance with all applicable PA DEP regulations and protocol.
 - (a) Grouting. Geothermal heating and/or cooling system vertical heat exchange boreholes containing loop pipes may be filled with approved grout or bridging or fill materials from their total depth up to a minimum depth of 50 feet below grade. These vertical heat exchange boreholes must be filled with only approved grout from a minimum depth of 50 feet below grade up to the ground surface. If the annular space around the loop pipes from a minimum depth of 50 feet below grade up to the ground surface is free from standing water, the approved grout may be emplaced without pressure pumping through a tremie pipe.
 - (b) Completion report. Upon completion of the well or borehole, submit two copies of DCNR's water well completion report Form 8700-FM-TG-5001S, as may be amended, to the municipal official and one copy of this form to the owner. If a geothermal well is constructed, a report shall be filed with the municipality by the driller indicating the well was constructed in accordance with this chapter.
 - (c) Construction standard. All materials and construction practices shall conform to the requirements stated in Closed-Loop/Geothermal Heat Pump Systems Design and Installation Standards, such as, but not limited to, standards for pressure testing, heat transfer fluids, etc. All materials and construction practices shall effectively prevent contamination of groundwater.
 - (6) Abandonment. If the geothermal system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at his/her expense after a demolition permit has been obtained in accordance with the following:
 - (a) The heat pump and any external mechanical equipment shall be removed.

- (b) Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid. The heat transfer fluid shall be captured and disposed of in accordance with applicable regulations. The top of the pipe, coil or boring shall be uncovered and grouted.
- (c) All abandoned wells shall be reported to DCNR on its forms and a copy provided to the municipality. If available, the original driller's log should be included along with the details of the well abandonment procedure. A photograph should be taken of the site, and a reference map should be made to locate the

§ 490-85.1 **Principal Solar Energy System (PSES)**
[Amended __DATE____ by Ord. No. ____]

PSES's are permitted as provided in the USE TABLE shown herein and subject to the following criteria **[Amended __DATE____ by Ord. No. ____]**:

| USE TABLE (Parcel Size) | |
|---|--|
| Zone | |
| Rural/Agricultural | Greater than 20 acres- Conditional Use |
| | 20 acres or less- Permitted |
| Residential /Village Overlay | Not Permitted |
| Mu1/Historic Overlay/Restricted Development Overlay | Not Permitted |
| Mu2 | Conditional Use |
| Commercial/Industrial/Quarry | Permitted |
| Interchange and Kreutz Creek Interchange | Permitted |

A. The applicant shall provide the following information:

(1) A plan, prepared by a Pennsylvania-registered professional engineer, indicating the location of all existing and proposed facilities on the subject tract, property limits, required setbacks, utility locations and locations of any ground-mounted equipment. *The information shall highlight existing vegetation, topography and other existing natural features.* **[Amended __DATE____ by Ord. No. ____]**

(a) 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. A permit will required for an upgrades, new technology or capacity increases. **[Amended __DATE____ by Ord. No. ____]**

(b)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), or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Municipality 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. [Amended __DATE____ by Ord. No. ____]

- (2) Calculations indicating both the existing and proposed building coverage and impervious coverage for the subject tract.
- (3) A narrative addressing how the proposed facility's impacts will be minimized for the surrounding properties. This should include, at a minimum, information regarding site selection, facility design or appearance, buffering and screening of ground-mounted equipment.

(4) **Glare [Amended __DATE____ by Ord. No. ____]**

(a) All PSES's shall be placed such that concentrated solar radiation does not project onto nearby structures or roadways. Exterior surfaces shall have a non-reflective finish. [Amended __DATE____ by Ord. No. ____]

(b) The applicant has the burden of proving that any glare produced does not have adverse impact on neighboring properties or adjacent uses either through siting or mitigation. [Amended __DATE____ by Ord. No. ____]

- (5) Submission of a landscape plan, prepared by a Pennsylvania-registered landscape architect, indicating appropriate screening for the proposed facility. [Amended __DATE____ by Ord. No. ____]
- (6) If applicable, the applicant shall provide to the Township a copy of the agreement between the landowner of the real property on which the solar energy facility is to be located and the facility owner, demonstrating that the facility owner has permission of the landowner to apply for necessary permits or approvals for construction and operation of the solar energy facility.

B. PSES facilities shall be considered land development. [Amended __DATE____ by Ord. No. ____]

(a) Ground mounted PSES require submission of a land development plan. [Amended __DATE____ by Ord. No. ____]

(b) Roof mounted PSES do not require submission of a land development plan. [Amended __DATE____ by Ord. No. ____]

C. Dimensional requirements.

- (1) Lot coverage. Only the base or foundation of the solar panel that is affixed to the land, rather than the entire solar panel, shall be considered impervious cover, provided that there is adequate space between panels for water to flow off of the collector onto a pervious surface.
- (2) A ground-mounted solar energy system shall not exceed the maximum building height for the zoning district in which it is located.
- (3) Ground-mounted solar energy systems shall meet the setback requirements for the underlying zoning district.

- (4) When building is necessary for the storage of cells and/or equipment or components related to the solar energy system, the building must not exceed 400 square feet in area, must not exceed 15 feet in height and centrally located within the parcel containing the solar facility. [Amended __DATE____ by Ord. No. ____]

D. Permit Requirements

(1) PSES (Ground mounted) shall comply with the municipal 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. [Added __DATE____ by Ord. No. ____]

(2) The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition. [Added __DATE____ by Ord. No. ____]

(3) The PSES owner shall provide evidence a certificate of liability insurance of 1 million dollars naming the township as an additional insured on the policy. [Added __DATE____ by Ord. No. ____]

(4) 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; [Added __DATE____ by Ord. No. ____]

(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 [Added __DATE____ by Ord. No. ____]

(b) The right to prohibit the development on or growth of any trees or vegetation on such property. [Added __DATE____ by Ord. No. ____]

(c) Neighboring property owners can grow any vegetation anywhere on their property, unless there is an easement in place. [Added __DATE____ by Ord. No. ____]

(d) This acknowledgment shall be submitted to the municipality and placed on any required subdivision and/or land development plans. [Added __DATE____ by Ord. No. ____]

E. Fees [Added __DATE____ by Ord. No. ____]

1. The applicant shall pay all permit application, plan reviews/approvals and inspection fees related to review and approval of the application. [Added __DATE____ by Ord. No. ____]

2. The cost of the yearly inspection of PSES by the township shall be paid by the owner or facility operator. [Added __DATE____ by Ord. No. ____]

3. All fees are set by resolution. [Added __DATE____ by Ord. No. ____]

4. Any additional costs related to additional reviews or inspections or legal fees incurred by the municipality in resolving identified issues shall be reimbursed by the applicant. [Added __DATE____ by Ord. No. ____]

F. Solar Easements [Added __DATE____ by Ord. No. ____]

(1) 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. [Added __DATE____ by Ord. No. ____]

(2) 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: [Added __DATE____ by Ord. No. ____]

(a) 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. [Added __DATE____ by Ord. No. ____]

(b) Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement; [Added __DATE____ by Ord. No. ____]

(c) Enumerate terms and conditions, if any, under which the easement may be revised or terminated; [Added __DATE____ by Ord. No. ____]

(d) 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. [Added __DATE____ by Ord. No. ____]

(e) 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). [Added __DATE____ by Ord. No. ____]

G. Stormwater Requirements [Added __DATE____ by Ord. No. ____]

(1) 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: [Added __DATE____ by Ord. No. ____]

(a) Foundation systems [Added __DATE____ by Ord. No. ____]

(b) All mechanical equipment including any structure and pads [Added __DATE____ by Ord. No. ____]

(c) Gravel used in any application shall be considered impervious. [Added __DATE____ by Ord. No. ____]

(2) The surface area of the arrays of a solar energy system, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located, except as described in Section H below. [Added __DATE____ by Ord. No. ____]

(3) The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the municipal stormwater management regulations. [Added __DATE____ by Ord. No. ____]

- H. Impervious coverage limitations established in this section and a detailed stormwater analysis including Post Construction Stormwater Management (PCSM) and Pennsylvania Stormwater Best Management Practices (BMPs) Manual requirements are required for all solar energy systems unless the requirements listed below are met: [Added ___DATE___ by Ord. No. ___]
- (1) Impervious coverage requirements, and a detailed stormwater analysis including PCSM and BMP requirements do not apply to the solar energy systems if: [Added ___DATE___ by Ord. No. ___]
- (a) If earth disturbance and grading activities are minimized and natural vegetative cover preserved and/or restored using native species specified in applicable township ordinances. [Added ___DATE___ by Ord. No. ___]
- (b) The low impact construction techniques must be utilized in accordance with the latest edition of the Pennsylvania Best Management Practices Manual. [Added ___DATE___ by Ord. No. ___]
- (c) Vegetative cover must have a minimum uniform 90% perennial vegetative cover between rows and 80% under panel arrays with a density capable of resisting accelerated erosion and sedimentation. [Added ___DATE___ by Ord. No. ___]
- (1) Meadows of native species as specified in applicable township ordinance is required for slopes of 5 to 10%. [Added ___DATE___ by Ord. No. ___]
- (2) Vegetative cover shall not be cut or grazed to less than 4 inches in height. [Added ___DATE___ by Ord. No. ___]
- (3) Vegetated areas will not be subject to chemical fertilization or herbicide/pesticides application, except for those applications necessary to establish and maintain the vegetative cover or replace nutrients in accordance with an approved Erosion and Sedimentation Control Plan. [Added ___DATE___ by Ord. No. ___]
- (4) Vegetation along the fence lines shall be controlled by mechanical or chemical application. [Added ___DATE___ by Ord. No. ___]
- (5) For this section, gravel is considered an impervious cover and is prohibited unless used for road or turnaround construction. [Added ___DATE___ by Ord. No. ___]
- (d) The individual solar modules within an array are arranged in a fashion that: [Added ___DATE___ by Ord. No. ___]
- (1) Allows the passage of runoff between each module, minimizing the creation of concentrated runoff. [Added ___DATE___ by Ord. No. ___]
- (2) Individual solar panels shall not exceed 6 feet in width to allow for adequate vegetative cover to be established and maintained. [Added ___DATE___ by Ord. No. ___]
- (e) All panels must be placed on an area with 15⁰ slope or less. [Added ___DATE___ by Ord. No. ___]
- (f) The lowest vertical clearance of the solar array shall be 3 feet and the highest vertical height from the surface of the ground allowed by the applicable zoning requirement. The minimum height must be of adequate height to promote vegetative growth below the array. [Added ___DATE___ by Ord. No. ___]
- (g) A maximum of 5% of the solar project area may be occupied by the support structure/foundations used to support ground mounted solar panels. [Added ___DATE___ by Ord. No. ___]

I. Agrivoltaics is encouraged and permitted when: [Added __DATE____ by Ord. No. ____]

(1) Cutting or mowing is limited to a height of no less than 4 inches. [Added __DATE____ by Ord. No. ____]

(2) Application of chemical fertilization or herbicides/pesticides is limited to the agronomic needs to the crop(s). [Added __DATE____ by Ord. No. ____]

(3) Written Erosion and Sediment plan is developed and approved to control runoff. [Added __DATE____ by Ord. No. ____]

(4) When grazing, a Manure Management Plan shall be developed and approved. [Added __DATE____ by Ord. No. ____]

(J) PSES Location to Substation/Transmission Lines [Added __DATE____ by Ord. No. ____]

(1) Any proposed PSES shall be located within the following distances of an adequately sized power line, a substation that is capable of accepting solar energy into the electricity grid, or another solar facility. [Added __DATE____ by Ord. No. ____]

(a) Substation- 2 miles [Added __DATE____ by Ord. No. ____]

(b) Transmission Line- 1 mile [Added __DATE____ by Ord. No. ____]

(K) Decommissioning Costs [Added __DATE____ by Ord. No. ____]

(1) 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 municipality to secure its obligations under this Section. [Added __DATE____ by Ord. No. ____]

(a) The PSES Developer shall, at the time of application, provide the municipality with an estimated cost of performing the decommissioning activities required herein, plus an administrative cost of 1% and an inflation factor of 2% per year times service life years. Assume 25 year service life (if the service life increases then the new service life years estimate shall be used in the formula). The decommissioning cost estimate formula shall be: Cost of decommissioning activities + (Decommissioning cost x 1%) + (Decommissioning cost x 2% x Service Life years) + estimated cost of permits = the decommissioning cost estimate. The Decommissioning Cost estimate is also the Decommissioning Financial Security cost. [Added __DATE____ by Ord. No. ____]

(b) On every third year anniversary of the date of providing the decommissioning cost estimate, the PSES Owner shall provide an updated decommission cost estimate, utilized the formula set forth above. If the decommissioning cost estimate amount changes, the PSES Owner shall remit the increased financial security to the municipality within 30 days of the approval of the updated decommissioning cost estimate by the municipality. [Added __DATE____ by Ord. No. ____]

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

__DATE__ by Ord. No. __]

- (d) The decommissioning security may be in the form of cash, letter of credit, bond, or an investment grade corporate guarantee rated BBB-/Baa3 or better by S&P, Moody's, or AM Best, as applicable. The security shall held by the municipality. [Added __DATE__ by Ord. No. __]
- (e) Prior to approval of any plan or permit for a PSES, the PSES Developer shall enter into a Decommissioning Agreement with the municipality outlining the responsibility of the parties under this Agreement as to the Decommissioning of the PSES. [Added __DATE__ by Ord. No. __]

L. Decommissioning [Added __DATE__ by Ord. No. __]

- (1) The solar energy system owner is required to notify the Municipality immediately upon cessation or abandonment of the operation. [Added __DATE__ by Ord. No. __]
- (2) The solar energy system shall be presumed to be discontinued or abandoned if no electricity is generated by such system within a period of 6 continuous months. No electricity generation shall be defined as no commercially usable power generated on a continuous basis of 60 consecutive days. [Added __DATE__ by Ord. No. __]
- (3) The solar energy system owner shall then have 6 months from abandonment in which to dismantle and remove the entire 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 in accordance with good industry practice and agreements (Decommissioning Agreement)with the landowner. If the owner fails to dismantle and/or remove the solar energy system within the established timeframe, the municipality may complete the decommissioning at the owners expense. Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards and requirements. [Added __DATE__ by Ord. No. __]

M. Operating Data Reporting [Added __DATE__ by Ord. No. __]

- (1) The solar energy system owner shall submit on a 6 month basis (July 1 and Jan 2) information (such as daily generation chart, significant outage incidents summary, significant operational issues, future planned outages and improvements) concerning the amount of energy generated by the solar energy system to the municipality. Also report any changes to the estimated service life. [Added __DATE__ by Ord. No. __]
- (2) The PSES owner shall notify the township within 30 days of any change in ownership or operational control of the solar facility. [Added __DATE__ by Ord. No. __]

N. Environmental Protection [Added __DATE__ by Ord. No. __]

- (1) All PSES must be set back a distance of Twenty Five (25) feet (as measured from the PSES fence) from any area designated as a wetland, a FEMA Floodplain, or an area containing 15% slope or greater. [Added __DATE__ by Ord. No. __]
- (2) All PSES shall be set back 150 feet (as measured from the PSES fence) from a property listed on, or eligible for listing on the National Register of Historic Places as designated by the State Historic Preservation Office of the National Park Service. [Added __DATE__ by Ord. No. __]

(3) In Agricultural Districts, the total of all solar project areas shall not be more than 25% of the total class 1 and class 2 soils and 50% class 3 soils in Agricultural defined districts. This requirement does not apply if the project area is proposing Agrivoltaics. [Added __DATE____ by Ord. No. ____]

(a) In no case shall the solar project area occupy more than 50 acres of class 1 and class 2 soils within an individual parcel. [Added __DATE____ by Ord. No. ____]

(4) No more than 10% of existing trees in the PSES area shall be removed during construction. Landscaping required by the township land development ordinances or attached as a condition of approval of any plan, application, or permit shall be completed prior to the start of commercial power generation. Landscaping (existing or added) shall be maintained with replacement of any dead or dying items within 2 months (or as soon as weather or growing season permits). [Added __DATE____ by Ord. No. ____]

O. PSES shall not be placed in any legal easement or right-of-way. [Added __DATE____ by Ord. No. ____]

P. Ground mounted PSES shall be screened per the applicable zoning district. [Added __DATE____ by Ord. No. ____]

Q. PSES shall not 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. [Added __DATE____ by Ord. No. ____]

R. All on-site (inside the perimeter fence) transmission and plumbing lines shall be placed underground. [Added __DATE____ by Ord. No. ____]

S. Security [Added __DATE____ by Ord. No. ____]

(1) All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a locked gate at each entrance point (people or vehicle). The fence shall meet setback requirements noted in this section. [Added __DATE____ by Ord. No. ____]

(2) A clearly visible warning sign (no smaller than 1 foot square) shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES at intervals of 100 feet informing individuals of potential voltage hazards. [Added __DATE____ by Ord. No. ____]

(3) The Owner or Facility Operator shall post a sign stating the name(s) and phone number(s) of the contact person(s) for all inquiries, emergencies and complaints. The contact list must cover a 24/7 schedule. The sign shall be posted on each entrance gate and be readable at night. The contact information shall also be given to the municipality. [Added __DATE____ by Ord. No. ____]

(4) The Owner or Facility Operator shall develop and Submit an Emergency Response plan to cover industry known issues. A copy shall be kept on site and copy given to the municipality. [Added __DATE____ by Ord. No. ____]

(5) There shall a lock box with a combination lock at each entrance gate (the combination lock at each gate shall have the same combination). Each lock box shall contain the applicable gate key, the battery storage lock key, copy of all permits and plans required by this ordinance (including the Emergency Response Plan). The lock combination shall be given to the municipality prior to facility startup. [Added __DATE____ by Ord. No. ____]

(6) Each gate (and contact sign) shall have downfacing motion activated lighting. [Added __DATE____ by Ord. No. ____]

T. Access [Added __DATE____ by Ord. No. ____]

(1) At a minimum, a 25' wide access road must be provided from a state or municipal roadway into the site. [Added __DATE____ by Ord. No. ____]

(2) Each access road from a street shall be connected to the emergency access openings between the solar array system. Between every 8 solar arrays rows or 150 feet (whichever is less), a 20' wide emergency access opening shall be provided to allow access for maintenance vehicles and emergency management. 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. There shall be 1 perpendicular access opening up the center of the array rows. At each end of these access openings shall be a Dead-End Fire Apparatus Access Road Turnaround. This turnaround shall in accordance with the "Acceptable Alternative to 120 foot Hammerhead" in Figure D103.1 of the 2021 International Fire Code (or an equivalent approved by the municipality and the Fire/Police/Emergency Services servicing the municipality). All roads, access openings and turnarounds shall be capable of supporting police/fire/emergency services vehicles (approximate maximum weight 80,000 pounds) and have a traveling grade of no more than 10 %. [Added __DATE____ by Ord. No. ____]

(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. [Added __DATE____ by Ord. No. ____]

(2) Access to the PSES shall comply with the municipal access requirements in the Subdivision and Land Development Ordinance. [Added __DATE____ by Ord. No. ____]

(3) The interior area (inside the gate and fencing) of the PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority. [Added __DATE____ by Ord. No. ____]

U. The owner of a PSES shall provide the Municipality 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. [Added __DATE____ by Ord. No. ____]

V. Noise Study [Added __DATE____ by Ord. No. ____]

(1) A noise study shall be conducted at any Battery building and at the property line of all adjacent properties. A copy of all reports shall be provided to the municipality. Noise level requirement shall not exceed 65 decibels outside the battery building or at any of the property lines. [Added __DATE____ by Ord. No. ____]

W. Roof and Wall Mounted Principal Solar Energy Systems: [Added __DATE____ by Ord. No. ____]

(1) 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. [Added __DATE____ by Ord. No. ____]

(2) PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district. [Added __DATE____ by Ord. No. ____]

X. Signage.

- (1) Clearly visible warning signs shall be placed at the base of all pad-mounted transformers and substations, and on the fence, barrier or perimeter of large-scale solar energy systems, to inform individuals of potential voltage hazards.
 - (2) A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturer's and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system, provided they comply with the prevailing sign regulations.
- E. All ground-mounted large solar energy facilities shall be enclosed by a fence, barrier or other appropriate means to prevent or restrict unauthorized persons or vehicles from entering the property. **[Removed __DATE__ by Ord. No. __]**
- F. Proof that the design of the large solar energy system conforms to the applicable industry standards, including those of the ANSI, Underwriters' Laboratories (UL), the ASTM, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer's specifications shall be submitted as part of the application. **[Removed __DATE__ by Ord. No. __]**
- G. All solar energy system installations must be certified by a professional firm from a list of approved solar electric installers provided on the Pennsylvania Sunshine Program website operated by the Pennsylvania Department of Environmental Protection or from the North American Board of Certified Energy Practitioners. **[Removed __DATE__ by Ord. No. __]**
- H. On-site transmission and power lines shall, to the maximum extent practicable, be placed underground. **[Removed __DATE__ by Ord. No. __]**
- I. Ground-mounted solar energy systems shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system. **[Removed __DATE__ by Ord. No. __]**
- J. The owner of the large solar energy production facility shall be required to provide a certificate of insurance to the Township providing evidence of liability insurance of not less than \$1,000,000 and naming the Township as an additional insured on the policy or policies of the owner and/or lessee. **[Removed __DATE__ by Ord. No. __]**
- K. At the time of issuance of the permit for the construction of the large solar energy production facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures. **[Removed __DATE__ by Ord. No. __]**
- L. Any change in ownership of the property shall be registered with the Township within 30 days of said change in ownership. **[Removed __DATE__ by Ord. No. __]**
- M. Vegetative screening. **[Removed __DATE__ by Ord. No. __]**
- (1) All materials used for screening shall be six feet at initial planting or shall reach a minimum height of six feet above the finished grade of the land at the site of planting within two years of planting. **[Removed __DATE__ by Ord. No. __]**
 - (2) Planting materials shall be permanently maintained in order to ensure effective screening and shall be

replaced when necessary. [Removed DATE _____ by Ord. No. _____]

- (3) All required trees, shrubs and yard ground cover shall be native trees and shrubs from a list developed by the Hellam Township Environmental Advisory Council (EAC). The list of acceptable native trees and shrubs for buffer planting, screening and landscaping shall be maintained by Hellam Township and provided to anyone by the Zoning Officer upon request. [Removed DATE _____ by Ord. No. _____]
- (4) Vegetative screen must be comprised of plant material that will provide a minimum opacity of 80% in winter and 80% in summer. One of the following arrangements shall be utilized:
[Removed DATE _____ by Ord. No. _____]
 - (a) Screen planting shall contain three staggered rows of vegetative material. This screen planting shall consist of one row of fast-growing needled evergreens spaced not more than 12 feet on center and two rows of deciduous trees, with a minimum height potential of 20 feet, spaced not more than 25 feet on center. [Removed DATE _____ by Ord. No. _____]
 - (b) Screen plantings shall contain two staggered rows of vegetative material. Seventy-five percent shall be fast-growing needled evergreens planted 10 feet on center and staggered for effective screening. The remaining 25% shall be deciduous trees planted in staggered clusters, with 25 feet being the maximum spacing between trees. [Removed DATE _____ by Ord. No. _____]
 - (c) Screen planting shall contain two staggered rows of vegetative material. Seventy-five percent shall be fast-growing needled evergreens planted 10 feet on center and staggered for effective screening. Fifteen percent shall be deciduous trees planted in staggered clusters 25 feet on center. The remaining 10% shall be staggered shrub masses used as understory plants and in combination with deciduous tree clusters. The maximum spacing for shrubs shall be four feet on center. The deciduous trees and shrubs are suggested to break up the straight line planting of one type of planting material.
[Removed DATE _____ by Ord. No. _____]
- N. Decommissioning. [Removed DATE _____ by Ord. No. _____]
 - (1) The large solar energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The large solar energy production facility owner shall then have 12 months in which to dismantle and remove the large solar energy production facility from the property. [Removed DATE _____ by Ord. No. _____]
 - (2) If a ground-mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground-mounted solar energy system shall be graded and reseeded. [Removed DATE _____ by Ord. No. _____]
 - (3) If a ground-mounted solar energy system has been abandoned (meaning not having been in operation for a period of six months) or is defective or is deemed to be unsafe by the Hellam Township Building Code Official, the solar energy system shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Hellam Township Building Code Official. If the owner fails to remove or repair the defective or abandoned solar energy system, the Township may pursue a legal action to have the system removed at the owner's expense. [Removed DATE _____ by Ord. No. _____]

**ORDINANCE NO. 2023-XX
HELLAM TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF HELLAM TOWNSHIP, YORK
COUNTY, PENNSYLVANIA, AMENDING THE ZONING
ORDINANCE TO CREATE A RIVER LANDS 1 AND 2 ZONE OF THE TOWNSHIP OF
HELLAM**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Hellam, and it is hereby enacted and ordained, as follows:

SECTION 1: The Zoning Ordinance of the Township of Hellam, No 2004-08, as amended, and as codified in Chapter 490 of the Code of the Township of Hellam is further amended as follows:

A. Section 490-11 shall be amended to add the following definitions:

BOAT STORAGE FACILITY: A facility designed for the keeping of watercraft and associated trailers.

MARINA: A dock or basin providing secure moorings for pleasure craft and small boats.

MARINE RENTAL, SALES/SERVICE FACILITY: A facility designed for rental, sales and maintenance of watercraft and watercraft related accessories including engines, hulls, masts, trailers and sails.

MOTORIZED BOAT LAUNCHING FACILITY: Improved (paved) and unimproved (sand, gravel) ramps designed for launching vessels powered by a gasoline, diesel or electric motor and are required to be registered with the Pennsylvania Fish & Boat Commission.

NON-MOTORIZED BOAT LAUNCHING FACILITY: Improved (paved) and unimproved (sand, gravel) ramps designed for launching vessels not required to be registered with the Pennsylvania Fish and Boat Commission. This definition includes, but is not limited to, canoes, kayaks, inflatable boats and rafts, row boats, sail boats and other similar types of manually propelled vessels.

RECREATIONAL USE: An active or passive recreational use designed to accommodate physical, leisure, sporting or relaxation activities on land or water. Recreational uses may include, basketball, baseball, football, bicycling, walking, jogging, running, golfing, fishing, boating, hunting, hockey, skating, skateboarding, soccer, swimming, tennis, volleyball, racquetball, exercise/fitness, bird watching, picnicking or any other similar recreational uses, as determined by the Zoning Officer.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES (TOWER-BASED WCF): Wireless communications facilities that include the installation of a new tower to support the transmission equipment. A WCF that requires the replacement of an existing

structure (i.e. building, water tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure) to support the weight of a WCF is not considered a new Tower-Based WCF.

WIRELESS COMMUNICATIONS FACILITY (WCF) ON EXISTING STRUCTURE:
Wireless communications facilities located on existing structures such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF.

B. Section 490-12.2 –shall be added as follows:

§490-12.2 River Land Zone 1

A. Purpose.

- (1) The primary purpose of the River Land Zone 1 is to promote the continued use and future development of riverfront properties along the Susquehanna River in a manner consistent with existing uses, while retaining the rural recreational character of the area. This Zone is best suited for development of and uses primarily oriented to providing a mixture of seasonal and year-round dwellings, public and semi-public recreational type uses and compatible businesses. Provisions of this zone are to take into account the unique parcel size and topography of the area so that homeowners are best able to utilize their parcel to construct accessory structures which are in compliance with this Zoning Ordinance. As much of the land is located in the 100-year floodplain, riparian buffer, steep slope and continuous canopy restricted development overlay, each development proposal shall be carefully evaluated as to its impact on the area; therefore, federal and state measures, especially floodplain management and erosion and sediment control regulations, should be strictly enforced.
- (2) Another equally important purpose of the River Land Zone 1 is to preserve and protect the Township's sensitive environmental and cultural features. This is consistent with the authority granted by the Pennsylvania Municipalities Planning Code, which requires zoning ordinances to "promote, protect and facilitate the preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers, and floodplains." Included within this Zone are a combination of sensitive environmental features, including wetlands, stream corridors, unique geologic formations, important animal and plant habitats, and woodlands which serve as groundwater recharge areas and connecting woodland corridors important to ecosystem health and maintenance.

B. Permitted Uses.

- (1) Accessory recreational uses associated with a business;

- (2) Agriculture, horticulture and forestry uses;
- (3) Boat launching facility, non-motorized;
- (4) Municipal use;
- (5) No-impact home-based business;
- (6) Public parks and playgrounds;
- (7) Public utilities structures;
- (8) Repair of small goods;
- (9) Roadside stands;
- (10) Single-family detached dwellings;
- (11) Accessory uses customarily incidental to the above permitted uses

C. Conditional uses (subject to the requirements listed in Articles IV and VII of this chapter).

- (1) Accessory dwelling;
- (2) Bed-and-breakfasts;
- (3) Farm occupations;
- (4) Home occupations;
- (5) Marina;
- (6) Marine rental, sales/service facility;
- (7) Tower-based wireless communications facilities (WCF);
- (8) Two-family conversions;
- (9) Wireless communications facilities (WCF) on existing structure; and
- (10) Accessory uses customarily incidental to the above conditional uses.

D. Limitations on subdivision/land development. The River Land Zone 1 shall follow all criteria in Section 490-12.D through L.

Table of Dimensional Requirements — River Land Zone 1

| Building Type | Minimum Lot Width | | | Required Setbacks | | | |
|------------------------------------|--------------------------|-------------------------|-------------------------------|----------------------|-----------------------------------|--------------------------|---------------------|
| | Minimum Lot Area (acres) | At Building Line (feet) | At Street Right-of-Way (feet) | Maximum Lot Coverage | Front Setback ³ (feet) | Each Side Setback (feet) | Rear Setback (feet) |
| All uses | 2 ¹ | 110 | 110 | 15% | 40 | 15 | 30 |
| Accessory buildings and structures | N/A | N/A | N/A | Included in above | 50 ² | 10 | 10 |

NOTES:

¹ The minimum required lot size may be required to be increased to accommodate an on-lot sewage disposal site as determined by the PA DEP, as well as an alternate site as required by Article III of this chapter.

² No accessory building and structure (except a permitted sign) shall be located within the front yard, unless it is set back at least 50 feet from the street right-of-way.

E. For land application of sewage sludge as fertilizer or soil amendment see Chapter 380, Article V.

B. Section 490-12.3 Shall be added as follows:

§490-12.3 River Land Zone 2

A. Purpose.

(1) The primary purpose of the River Land Zone 2 is to promote the continued use and future development of riverfront properties along the Susquehanna River in a manner consistent with existing uses, while retaining the rural recreational character of the area. This Zone is best suited for development of and uses primarily oriented to providing a mixture of seasonal and year-round dwellings, public and semi-public recreational type uses and compatible businesses. Provisions of this zone are to take into account the unique parcel size and topography of the area so that homeowners are best able to utilize their parcel to construct accessory structures which are in compliance with this Zoning Ordinance. As much of the land is located in the 100-year floodplain, riparian buffer, steep slope and continuous canopy restricted development overlay, each development proposal shall be carefully evaluated as to its impact on the area; therefore, federal and state measures, especially floodplain management and erosion and sediment control regulations, should be strictly enforced.

(2) Another equally important purpose of the River Land Zone 2 is to preserve and protect the Township's sensitive environmental and cultural features. This is consistent with the authority granted by the Pennsylvania Municipalities

Planning Code, which requires zoning ordinances to "promote, protect and facilitate the preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers, and floodplains." Included within this Zone are a combination of sensitive environmental features, including wetlands, stream corridors, unique geologic formations, important animal and plant habitats, and woodlands which serve as groundwater recharge areas and connecting woodland corridors important to ecosystem health and maintenance.

B. Permitted Uses.

- (1) Accessory recreational uses associated with a business;
- (2) Agriculture, horticulture and forestry uses;
- (3) Boat launching facility, non-motorized;
- (4) Municipal use;
- (5) No-impact home-based business;
- (6) Public parks and playgrounds;
- (7) Public utilities structures;
- (8) Repair of small goods;
- (9) Roadside stands;
- (10) Single-family detached dwellings;
- (11) Vineyard; and
- (12) Accessory uses customarily incidental to the above permitted uses.

C. Conditional uses (subject to the requirements listed in Articles IV and VII of this chapter).

- (1) Accessory Dwelling;
- (2) Bed-and-breakfasts;
- (3) Boat launching facility, motorized;
- (4) Boat storage facility;
- (5) Campgrounds;
- (6) Event venue;
- (7) Farm occupations;

- (8) Home occupations;
- (9) Hotels, motels and similar lodging facilities;
- (10) Marina;
- (11) Marine rental, sales/service facility;
- (12) Restaurant;
- (13) Retail sales;
- (14) Retail service business;
- (15) School, commercial;
- (16) Tower-based wireless communications facilities (WCF);
- (17) Two-family conversions;
- (18) Wind energy facility;
- (19) Winery Type A, as a secondary and subordinate use to the same parcel of land which is being used for agriculture and the criteria is §490-130.1 are met;
- (20) Wireless communications facilities (WCF) on existing structure; and
- (21) Accessory uses customarily incidental to the above conditional uses.

D. Limitations on subdivision/land development. The River Land Zone 2 shall follow all criteria in Section 490-12.D through L.

Table of Dimensional Requirements — River Land Zone 2

| Building Type | Minimum Lot Width | | | Maximum Lot Coverage | Required Setbacks | | |
|------------------------------------|--------------------------|-------------------------|-------------------------------|----------------------|-----------------------------------|--------------------------|---------------------|
| | Minimum Lot Area (acres) | At Building Line (feet) | At Street Right-of-Way (feet) | | Front Setback ³ (feet) | Each Side Setback (feet) | Rear Setback (feet) |
| All uses | 2 ¹ | 110 | 110 | 15% | 40 | 15 | 30 |
| Accessory buildings and structures | N/A | N/A | N/A | Included in above | 50 ² | 10 | 10 |

NOTES:

¹ The minimum required lot size may be required to be increased to accommodate an on-lot sewage disposal site as determined by the PA DEP, as well as an alternate site as required by Article III of this chapter.

Table of Dimensional Requirements — River Land Zone 2

| Building Type | Minimum Lot Width | | | Required Setbacks | | |
|---------------|--------------------------|-------------------------|-------------------------------|----------------------|-----------------------------------|--------------------------|
| | Minimum Lot Area (acres) | At Building Line (feet) | At Street Right-of-Way (feet) | Maximum Lot Coverage | Front Setback ³ (feet) | Each Side Setback (feet) |

² No accessory building and structure (except a permitted sign) shall be located within the front yard, unless it is set back at least 50 feet from the street right-of-way.

E. For land application of sewage sludge as fertilizer or soil amendment see Chapter 380, Article V.

C. Section 490-35.H shall be amended to add the following:

| Uses | Minimum of One Parking Space for Each |
|---------------------------------------|--|
| Marina | Boat space plus 1 space per employee |
| Marine Rental, Sales/Service Facility | 20% of sales area to be reserved for customer parking, plus 1 space per employee |

D. Section 490-87.1 is added to read as follows:

Marinas.

A. Marinas may provide the following services if specifically authorized by conditional use approval.

- (1) Launching ramps and small hoists;
- (2) Piers, wharfs and other facilities for the berthing and securing of recreational water craft;
- (3) Wet storage and mooring of seaworthy pleasure craft in operable condition;
- (4) Shower and laundry facilities for marina clientele only;
- (5) Vending machines;
- (6) Dry stack storage of water craft;
- (7) Marinas providing 25 or more boat slips may provide the following additional services:
 - (a) Bait and tackle retail sales;

(b) Retail sales of basic marine supplies and accessories necessary for boat operation, maintenance and upkeep (not to include the sale of boats and/or motors);

(c) Snack bars.

- B. The property shall have a minimum area of two acres located above the mean high-water mark.
- C. All services provided by the marina shall be located on the same lot or parcel of the piers associated therewith.
- D. All retail sales and services shall be enclosed. The maximum structure size or bulk shall be limited to an area not to exceed 10 square feet of net floor area for each boat slip.
- E. Areas for boat trailer storage and open field boat storage shall be designated and screened with a landscape buffer planting strip D in accordance with Chapter 280. Open field boat storage on trailers may be provided at a ratio of one ten-foot by twenty-foot space for each two boat slips.
- F. Off-street parking shall be provided in accordance with §490-35.H.
- G. Lighting shall not cause reflections on the surface of the water that will constitute a hazard to navigation or cause reflections or glare on adjoining properties or streets.
- H. Trash containers shall be placed throughout the lot and may not be permitted to overflow, cause objectionable odors or facilitate the breeding of vermin or insects.
- I. Fencing shall be installed to provide security for boats and equipment in outdoor storage areas.
- J. Proof of compliance with Pennsylvania Department of Environmental Protection and the Army Corps of Engineers regulations must be provided to the Township.

E. Section 490-87.2 is added to read as follows:

Marine Rental, Sales/Service Facility

- A. The property shall have a minimum area of two acres located above the mean high-water mark.
- B. Areas for boat trailer storage and open field boat storage shall be designated and screened with a landscape buffer planting strip D in accordance with Chapter 280 and subject to lot coverage requirements.
- C. Off-street parking shall be provided in accordance with §490-35.H.
- D. All lighting shall comply with Chapter 283, Lighting, Outdoor.

- E. All service and/or repair activities shall be conducted within a completely enclosed building.
- F. Outdoor storage of parts, equipment, lubricants and/or fuel is prohibited.
- G. Demolished parts and/or watercraft shall be removed from the site within two weeks of arrival.
- H. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining property used as a residence.

SECTION 2. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 3. This Ordinance shall become effective five (5) days after adoption.

Enacted and Ordained by the Board of Supervisors of Hellam Township, York County, Pennsylvania, in lawful session assembled, this ____ day of _____, 2023.

TOWNSHIP OF HELLAM

Attest:

Secretary

Chairman,
Board of Supervisors

Zoning Department Summary March 2024

| | |
|---|---|
| PERMIT APPLICATIONS: (Prior year listed in ()) | |
| <ul style="list-style-type: none"> • Received: 9 (22) • Issued: 9 (22) • In process: 0 | <ul style="list-style-type: none"> • Denied: 0 • YTD Issued: (21) |
| COMPLAINTS: | |
| <ul style="list-style-type: none"> • Complaints/violations: 1 • Resolved: 1 | <ul style="list-style-type: none"> • Carried Over: • YTD Complaints/Violations Submitted: 3 |
| OLDS PUMPING COMPLETE: | |
| District 2: 307/343 (90%) | District 3: 61/294 (21%) |
| ZONING CASES: | |
| <ul style="list-style-type: none"> • Z-2024-02: Conditional Use 351 Cool Creek Rd • Z-2024-02: Variance 351 Cool Creek Rd | |
| SALDO CASES: | |
| <ul style="list-style-type: none"> • SL-24-01 Subdivision 7152 Roundtop Ln | |
| PENDING ORDINANCES/RESOLUTIONS: | |
| <ul style="list-style-type: none"> • None | |

| OLDS | 1 | 2 | 3 | 4 |
|-------------------|------|------|------|------|
| REPORT YEAR | 2022 | 2023 | 2024 | 2025 |
| Pumped | 390 | 302 | 64 | 12 |
| New System | 1 | 3 | 0 | 0 |
| Exemption | 4 | 2 | 0 | 0 |
| Vacant/Fore | 2 | 3 | 1 | 0 |
| Total | 397 | 310 | 65 | 12 |
| # OLDS/District | 405 | 343 | 294 | 578 |
| % Complete | 98% | 90% | 22% | 2% |
| Issues identified | | | | |

NOTE:

- District 1 –
- District 2 – Reminder postcards mailed 9/7/23, Final Notice mailed 3/14/24
- District 3 – Reminder postcards mailed 3/14/24
- District 4 –

Septic Permits Issued –
4304 Druck Valley Rd – New System

Exemption Requests –

| |
|---|
| Notification Schedule |
| February '24: District 3 Initial Letter |
| February '24: District 2 Final Postcard Reminder |
| Spring '24: District 2 Final Notice/Violation Letter |
| Summer '24: District 3 Reminder Postcard |

Mar-24

| Address | Property Owner | Parcel ID | Date | Permit # | Improvement | Cost |
|-----------------------|------------------------------|---------------|---------|----------|-------------------------|-------------|
| 110 Ducktown Rd | Julie Keene | 31000KK007500 | 3/4/24 | 2024-017 | Special Events | n/a |
| 70 Keller Ave | Bob Searer | 31000KK009800 | 3/6/24 | 2024-021 | Pole Building | \$32,000.00 |
| River Farm Road | Susan Kostales | 31000MK006100 | 3/8/24 | 2024-022 | Timber Harvest | n/a |
| 327 Campbell Rd | John Holden Jr/ Nathan Riedy | 31000KK000100 | 3/11/24 | 2024-023 | Installing geogrid | \$10,000.00 |
| 4700 Valley Acres Rd | Scott Robinson | 31000KK0018G0 | 3/14/24 | | Electrical inspection | n/a |
| 443 Rudy Road | Joe Ocheskey | 31000LK008100 | 3/7/24 | 2024-024 | Demolition of residence | n/a |
| 832 Kreutz Creek Road | Donald Fries | 31000LJ0047E0 | 3/28/24 | 2024-025 | Driveway repaving | n/a |
| 492 Kreutz Creek Road | Collin Best | 31000LK001700 | 3/26/24 | 2024-026 | Driveway repaving | n/a |
| 627 Woodsvieview Ln | Charles Shultz | 31000KK0077R0 | 3/28/24 | 2024-028 | Pole Building | \$68,895.00 |