

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF CUMBERLAND TOWNSHIP, CHAPTER 27 OF THE TOWNSHIP OF CUMBERLAND CODE OF ORDINANCES, TO SET FORTH REQUIREMENTS FOR SOLAR ENERGY SYSTEMS

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

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

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

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Cumberland, Adams County, Pennsylvania, and it is enacted and ordained as follows:

SECTION 1: Chapter 27, Part 2, Section 27-201 of the Township of Cumberland Code of Ordinances, entitled “Definitions” shall be amended by adding the following definitions to those listed in Section 201 thereof, to be inserted in alphabetical order:

ACCESSORY SOLAR ENERGY SYSTEM: 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 not greater than 10kw 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.

SOLAR ENERGY FACILITY: 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 primarily for off-site use or for use on-site if the output size is greater than 10kw. 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 FACILITY CONNECTION: The electric conveyance lines which connect a Solar Energy Facility to the high-voltage electric interconnection grid.

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 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 RELATED EQUIPMENT: Items including a solar photovoltaic 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.

SECTION 2: Chapter 27, Part 4 the Township of Cumberland Code of Ordinances, Section 27-402 thereof entitled “Permitted Uses – Agricultural Districts” shall be amended by adding “Solar Energy Facilities” as a permitted use in the Agricultural District. An asterisk (*) shall be placed at the end of §27-402 noting the following: Subject to the limits set forth in §27-1606.

SECTION 3: Chapter 27, Part 16 the Township of Cumberland Code of Ordinances, entitled “Supplementary Uses” shall be amended by adding a new Section numbered 1606, to be entitled “Solar Energy Systems” with the contents thereof to be as follows:

1. ACCESSORY SOLAR ENERGY SYSTEMS (ASES)

A. Criteria Applicable to all Accessory Solar Energy Systems:

- (1) ASES shall be permitted as a use by right in all zoning districts.
- (2) The ASES layout, design, installation, and ongoing maintenance 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 Cumberland Township, and with all other applicable fire and life safety requirements.

Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Cumberland Township codes under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by Cumberland Township in accordance with applicable ordinances.

- (3) All on-site utility, connection lines, and plumbing shall be placed underground.
- (4) Glare
 - (a) All ASES 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.
- (5) Decommissioning
 - (a) Each ASES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
 - (b) The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.
 - (c) The ASES owner shall, at the request of the Township, provide information concerning the amount of energy generated by the ASES in the last 12 months.
- (6) Permit Requirements
 - (a) 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.
 - (b) 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.

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

- (1) A roof mounted or wall mounted ASES may be located on a principal or accessory building.

- (2) The total height of a building with an ASES shall not exceed by more than 3 feet above the maximum building height specified for principal or accessory buildings within the applicable zoning district.
- (3) Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
- (4) Solar panels shall not extend beyond any portion of the roof edge.
- (5) 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 including that the roof or wall is capable of holding the load imposed on the structure.

C. Ground Mounted Accessory Solar Energy Systems:

(1) Setbacks

- (a) The minimum yard setbacks from side and rear property lines shall be equivalent to the accessory structure setback in the applicable zoning district.
 - (b) A ground mounted ASES shall not be located in the required front yard, unless the principal structure is set back more than 250 ft. from the Front Lot Line, in which case, the ASES shall be set back not less than 200 ft. from the Front Lot Line.
- (2) Height. Ground mounted ASES shall not exceed 15 feet in height above the ground elevation surrounding the systems.

(3) Stormwater Management

- (a) Stormwater runoff from an ASES shall be managed in accordance with the requirements of the Cumberland Township Stormwater Management Ordinance.
- (b) Where Solar Panels are mounted above the ground surface allowing for vegetation below the panels, the horizontal area of the panel may be considered a Disconnected Impervious Area (“DIA”) and therefore, will have no increase from the pre-development to post-development runoff coefficient. The horizontal area of the panel can only be considered a DIA if the following conditions apply:
 - i. Where natural vegetative cover is preserved and/or restored utilizing low impact construction techniques from the Pennsylvania Department of Environmental Protection

Stormwater Best Management Practices Manual, including, but not limited to the following: minimizing the total disturbed area, minimizing soil compaction in disturbed areas, and re-vegetating and re-foresting disturbed areas using native species.

- ii. Where the vegetative cover has a minimum uniform 90% perennial vegetative cover with a density capable of resisting accelerated erosion and sedimentation.
 - a. For panels located on slopes of 0 to 5% a minimum 4" height of vegetative cover shall be maintained.
 - b. For panels located on slopes between 5% and 10% a meadow condition shall be maintained.
 - c. Panels located on slopes between 10% and 15% cannot be considered DIA.
 - d. Solar Panels located on slopes over 15% are not permitted.
 - e. Vegetated areas shall not be subject to chemical fertilization or herbicide/pesticides application, except for those applications necessary to establish the vegetative cover or to prevent invasive species and in accordance with an approved Erosion and Sediment Control Plan.
 - f. Agrivoltaics, the co-development of the same area of land for both solar photovoltaic power and conventional agriculture, may be used provided that:
 - i. Only shade tolerant crops may be used,
 - ii. Crops must be no tilled in,
 - iii. A written erosion and sediment control plan must be developed for agricultural plowing or tilling activities or a portion of the overall farm conservation plan must identify BMPs used,
 - iv. Any cutting or mowing of the agricultural crop is limited to a height of no less than 4 inches,
 - v. Application of chemical fertilization or herbicides/pesticides is limited to the agronomic needs to the crop(s).
- iii. Where the Solar Panels within a Solar Array are arranged in a fashion that:
 - a. Allows the passage of runoff between each Solar Panel, thereby minimizing the creation of concentrated runoff.

- b. Allows for the growth of vegetation beneath the panel and between the Solar Arrays.
 - iv. Where the length of the receiving, overland, vegetated area, downhill of each Solar Arrays is equal to or greater than the contributing, maximum, combined, horizontal length of the Solar Arrays. The grass area below each Solar Array shall not be considered in the length of the receiving, overland, vegetated area.
 - v. Where the contribution flow path or total combined horizontal length of a Solar Array is less than seventy-five (75) feet.
 - vi. Where less than 5% of the horizontal area of the Solar Panels themselves are disturbed and/or covered by the ground mounted support structures of foundation.
 - vii. Where the lowest vertical clearance along the drip edge or drip line of all Solar Panels within a Solar Array is ten (10) feet or less from the surface of the ground but an adequate height to promote vegetative growth below the Solar Array.
 - viii. Where the drip edge or drip line of the Solar Panels are mounted level to promote sheet flow discharge unless no more than 500 square feet of contributing surface will discharge to any one point, in which case a spreading device is required for the concentrated discharges.
- (c) The horizontal area of any Solar Panel or Solar Array that cannot meet all the conditions to be considered DIA shall be treated as impervious area. These areas shall be included in the pre-development to post-development runoff analysis as impervious area to determine the need for Post Construction Stormwater Management (“PCSM”) Best Management Practices.
- i. Use of gravel is permissible under a panel or in the receiving downhill flow path; however, the use of gravel would not allow the horizontal area of the Solar Panel or Solar Array to be considered as a DIA.
 - ii. All impervious areas associated with the ASES such as roadways and support buildings cannot be considered a DIA and shall follow normal protocols when performing the PCSM stormwater analysis.

- iii. When the ground mounted Solar Panels cannot meet the conditions to be considered a DIA, the impervious area shall be analyzed using the Industrial Land Use Description with Runoff Curve Numbers between 81 for Hydraulic Soil Group A and 93 for Hydraulic Soil Group D.
- (4) Buffering. Ground mounted ASES shall be buffered from any adjacent land uses or properties that is residentially zoned or used for residential purposes in accordance with the buffer Type B1 (one canopy tree per 40 linear feet, plus one flowering tree per 60 linear feet, plus one evergreen per 60 linear feet) requirements found in Part 12 of the Zoning Ordinance around the perimeter of the project .
- (5) 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.
- (6) 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, unless the Applicant can demonstrate, to the satisfaction of the Township, that the ASES will not impede stormwater management, or in any other manner alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

2. SOLAR ENERGY FACILITY (SEF)

A. Criteria Applicable to All SEFs:

- (1) The SEF 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 Cumberland 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.
- (2) All on-site transmission and plumbing lines shall be placed underground.
- (3) Solar Facility Connections shall be placed underground unless:

- (a) The electric lines will be placed on existing utility poles that host existing electric, cable, or telephone lines; or
 - (b) The Applicant can demonstrate, to the satisfaction of the Township, that it is not possible to place the connection underground, in which case, only the portion of the line which is not capable of placement underground, as determined by the Township, may be placed above ground.
- (4) No portion of the SEF 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 SEF provided they comply with the prevailing sign regulations.
- (5) Glare
- (a) All SEF 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) The SEF owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Township. The SEF owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.
- (7) Decommissioning
- (a) The SEF owner is required to notify the Township immediately upon cessation or abandonment of the operation. The SEF shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
 - (b) The SEF owner shall then have twelve (12) months in which to dismantle and remove the SEF including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, solar facility connections and other associated facilities.
 - (c) To the extent possible the materials shall be re-sold or salvaged. Materials that cannot be re-sold or salvaged shall be disposed of at facility authorized to dispose of such materials by federal or state law.

- (d) Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards.
- (e) Any access drive paved aprons from public roads shall remain for future use.
- (f) The SEF site area shall be restored to its pre-existing condition, suitable for its prior use, except the landowner may authorize, in writing, any buffer landscaping or access roads installed to accommodate the SEF to remain.
- (g) Any necessary permits, such as Erosion and Sedimentation and NPDES permits, shall be obtained prior to decommissioning activities.
- (h) At the time of issuance of the permit for the construction of the SEF, the owner shall provide financial security in the form and amount acceptable to the Township to secure its obligations under this Section.
 - i. The SEF 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 20%. The decommissioning cost estimate formula shall be: Gross Cost of decommissioning activities + Administrative Factor of 25% - Salvage and resale credit of 80% = the decommissioning cost estimate.
 - ii. On every 5th anniversary of the date of providing the decommissioning financial security the SEF 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 SEF 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.
 - iii. Decommissioning security estimates shall be subject to review and approval by the Township and the SEF Developer/ Owner shall be responsible for administrative, legal, and engineering costs incurred by the Township for such review.
 - iv. At no time shall the financial security be an amount less than \$500,000.00.

- v. The decommissioning security may be in the form of cash, letter of credit, or an investment grade corporate guarantee rated BBB-/Baa3 or better by S&P, Moody's, or AM Best, as applicable.
- vi. Prior to approval of any plan or permit for a SEF, the SEF 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 SEF.

(8) Permit Requirements

- (a) SEF shall comply with the Township subdivision and land development requirements through submission of a land development plan. The installation of SEF shall be in compliance with all applicable permit requirements, codes, and regulations.
- (b) The SEF owner and/or operator shall repair, maintain and replace the SEF and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the SEF in good repair and operating condition.

B. Ground Mounted Principal Solar Energy Systems:

- (1) Minimum lot size – 100 acres.
- (2) Excluded locations.
 - (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.
 - (b) Property located with federally recognized historic boundaries as identified and maintained by the National Park Service's American Battlefield Protection Program.
- (3) Portion of Lot to be Devoted to Solar Arrays: For each lot on which a SEF, or a component of a SEF, is proposed, the following calculations shall be performed to determine the proportion of the lot on which solar arrays may be authorized.
 - (a) Calculate Constrained Area: Calculate the Constrained Area by calculating the sum of the acreage of the following features that appear on a lot.
 - i. Floodplains, as identified in the Cumberland Township Floodplain Ordinance.

- ii. Natural and Man-Made Drainage Corridors, extending twenty-five (25) feet from the centerline of any such drainage feature.
 - iii. Wetlands
 - iv. Wetlands Buffer extending fifty (50) feet from any wetland.
 - v. Slopes in excess of fifteen percent (15%).
 - vi. Wooded Areas.
 - vii. Road Rights-of-Way.
 - viii. Setback areas, as defined in the underlying zoning district.
 - (b) Calculate SEF Development Area: Calculated the SEF Development Area by subtracting the Constrained Area from the lot area.
 - (c) Calculate the Portion of the SEF Development Area that may be devoted to Solar Arrays: Calculate the total acres of land within the SEF Development Area that are comprised of Class I and II agricultural soils, as identified in official Federal soils mapping or a more accurate professional study. Subtract one-half (1/2) of this figure from the SEF Development Area to determine the Portion of the SEF Development Area that may be devoted to Solar Arrays.
 - (d) For each lot on which a SEF, or a component of a SEF, is proposed, a map shall be provided by the applicant detailing the Constrained Area, the SEF Development Area, the Class I and II agricultural soils, and the Portion of the SEF Development that may be devoted to Solar Arrays.
 - (e) Solar Arrays shall only be placed within that portion of any lot that lies within the Portion of the SEF Development that may be devoted to Solar Arrays.
- (4) Setbacks
- (a) SEF shall be set back a minimum of two hundred (200) feet from any lot line.
- (5) Height
- (a) All ground mounted SEF shall comply with a fifteen (15) foot height requirement.
- (6) Stormwater Management

- (a) Stormwater runoff from an ASES shall be managed in accordance with the requirements of the Cumberland Township Stormwater Management Ordinance.
- (b) Where Solar Panels are mounted above the ground surface allowing for vegetation below the panels, the horizontal area of the panel may be considered a Disconnected Impervious Area (“DIA”) and therefore, will have no increase from the pre-development to post-development runoff coefficient. The horizontal area of the panel can only be considered a DIA if the following conditions apply:
 - i. Where natural vegetative cover is preserved and/or restored utilizing low impact construction techniques from the Pennsylvania Department of Environmental Protection Stormwater Best Management Practices Manual, including, but not limited to the following: minimizing the total disturbed area, minimizing soil compaction in disturbed areas, and re-vegetating and re-foresting disturbed areas using native species.
 - ii. Where the vegetative cover has a minimum uniform 90% perennial vegetative cover with a density capable of resisting accelerated erosion and sedimentation.
 - a. For panels located on slopes of 0 to 5% a minimum 4” height of vegetative cover shall be maintained.
 - b. For panels located on slopes between 5% and 10% a meadow condition shall be maintained.
 - c. Panels located on slopes between 10% and 15% cannot be considered DIA.
 - d. Solar Panels located on slopes over 15% are not permitted.
 - e. Vegetated areas shall not be subject to chemical fertilization or herbicide/pesticides application, except for those applications necessary to establish the vegetative cover or to prevent invasive species and in accordance with an approved Erosion and Sediment Control Plan.
 - f. Agrivoltaics, the co-development of the same area of land for both solar photovoltaic power and conventional agriculture, may be used provided that:
 - i. Only shade tolerant crops may be used,
 - ii. Crops must be no tilled in,
 - iii. A written erosion and sediment control plan must be developed for agricultural plowing or tilling activities or a portion of the overall farm conservation plan must identify BMPs used,
 - iv. Any cutting or mowing of the agricultural crop is limited to a height of no less than 4 inches,
 - v. Application of chemical fertilization or herbicides/pesticides is limited to the agronomic needs to the crop(s).

- iii. Where the Solar Panels within a Solar Array are arranged in a fashion that:
 - a. Allows the passage of runoff between each Solar Panel, thereby minimizing the creation of concentrated runoff.
 - b. Allows for the growth of vegetation beneath the panel and between the Solar Arrays.
 - iv. Where the length of the receiving, overland, vegetated area, downhill of each Solar Arrays is equal to or greater than the contributing, maximum, combined, horizontal length of the Solar Arrays. The grass area below each Solar Array shall not be considered in the length of the receiving, overland, vegetated area.
 - v. Where the contribution flow path or total combined horizontal length of a Solar Array is less than seventy-five (75) feet.
 - vi. Where less than 5% of the horizontal area of the Solar Panels themselves are disturbed and/or covered by the ground mounted support structures of foundation.
 - vii. Where the lowest vertical clearance along the drip edge or drip line of all Solar Panels within a Solar Array is ten (10) feet or less from the surface of the ground but an adequate height to promote vegetative growth below the Solar Array.
 - viii. Where the drip edge or drip line of the Solar Panels are mounted level to promote sheet flow discharge unless no more than 500 square feet of contributing surface will discharge to any one point, in which case a spreading device is required for the concentrated discharges.
- (c) The horizontal area of any Solar Panel or Solar Array that cannot meet all the conditions to be considered DIA, shall be treated as impervious area. These areas shall be included in the pre-development to post-development runoff analysis as impervious area to determine the need for Post Construction Stormwater Management (“PCSM”) Best Management Practices.
- i. Use of gravel is permissible under a panel or in the receiving downhill flow path; however, the use of gravel would not allow the horizontal area of the Solar Panel or Solar Array to be considered as a DIA.
 - ii. All impervious areas associated with the ASES such as roadways and support buildings cannot be considered a DIA and shall follow normal protocols when performing the PCSM stormwater analysis.

- iii. When the ground mounted Solar Panels cannot meet the conditions to be considered a DIA, the impervious area shall be analyzed using the Industrial Land Use Description with Runoff Curve Numbers between 81 for Hydraulic Soil Group A and 93 for Hydraulic Soil Group D.
- (7) Ground mounted SEF shall be screened and buffered in accordance with the following standards.
- (a) Vegetative buffering shall be installed around the entire perimeter of the SEF installation, except where the Zoning Officer, determines that the retention of existing trees within the vegetative buffering area may constitute the required vegetative buffer. Existing Natural Buffers shall be retained in accordance with Chapter 27, Section 1201 (6).
 - (b) The vegetative buffering shall be installed along the exterior side of the fencing. All required vegetative buffering shall be located within fifty (50) feet of the required fencing.
 - (c) Vegetative buffering shall be designed to emulate the mix of species and appearance of existing tree lines, hedge rows, and wooded areas already in existence within the landscape where the SEF is proposed. The applicant shall assess the species mix and characteristics found in existing tree lines, hedge rows, and wooded areas surrounding the SEF and document that the vegetative buffering is designed to emulate these characteristics.
 - (d) Vegetative buffering shall be selected to provide year round buffering and shall be of sufficient height, density, and maturity to screen the facility from visibility, as set forth herein within thirty-six months of the installation of the SEF.
 - (e) The primary use of evergreen trees shall not be permitted, and a monotonous straight row of the same species, particularly evergreen trees, is specifically prohibited.
 - (f) A combination of Natural topography and vegetation can serve as a buffer provided that the SEF will not be visible from public roads, public parks, the Gettysburg National Military Park or existing residences on surrounding properties. Earthen berms may not be created to serve as a buffer.
 - (g) Visibility of SEF shall be determined as visible in a photograph taken at a point with a digital camera with an APS-C Sensor and a 35 mm focal length lens. A SEF shall be considered to not be visible provided that no more than 5% of the SEF shall be visible in accordance with the measure of visibility set forth above.

(h) The buffering requirements of this section shall supersede the provisions of Part 12 of Chapter 27 as they pertain to SEFs.

(8) Ground-mounted SEF shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system.

(9) Security

(a) All ground-mounted SEFs shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.

(b) 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 SEF informing individuals of potential voltage hazards.

(10) Access

(a) At a minimum, a 25' wide access road must be provided from a state or township roadway to the SEF site that is paved and maintained in a dust free condition.

(b) At a minimum, a 20' wide cartway shall be provided between the solar array rows to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it measured at its greatest parallel width.

(c) Access to the SEF shall comply with the municipal access requirements in the Subdivision and Land Development Ordinance.

(11) The ground mounted SEF shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.

(12) The applicant must provide written comments from the relevant electric company regarding the capacity of the existing transmission lines envisioned to receive the electricity generated from the utility-scale solar facility. Proof of application for interconnection to the existing electricity system is required.

C. Roof and Wall Mounted Principal Solar Energy Facility:

(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 including that the roof or wall is capable of holding the load imposed on the structure.

- (b) The total height of a building with a roof and wall mountain system shall not exceed by more than 3 feet above the maximum building height specified for principal or accessory buildings within the applicable zoning district.

SECTION 4. Repealer. All provisions of previous Ordinances of the Township of Cumberland which are contrary to this Ordinance are expressly repealed.

SECTION 5. Savings Clause. In all other respects, the Township of Cumberland Code of Ordinances shall remain as previously enacted and ordained.

SECTION 6. Severability. The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid to unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

SECTION 7. Effective Date. This Ordinance shall take effect in accordance with law.

ENACTED AND ORDAINED on this 23rd day of July, 2020. This Ordinance shall become effective five days after adoption.

ATTEST:

CUMBERLAND TOWNSHIP BOARD OF SUPERVISORS
CUMBERLAND TOWNSHIP,
ADAMS COUNTY, PENNSYLVANIA

Carol Merryman
Carol Merryman,
Township Secretary

By: David P. Waybright
David Waybright, Chairman

(SEAL)

