

**TOWNSHIP OF SILVER SPRING
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 06 of 2023

AN ORDINANCE OF THE TOWNSHIP OF SILVER SPRING, CUMBERLAND COUNTY, PENNSYLVANIA AMENDING CHAPTER 415 [ZONING] OF THE CODE OF THE TOWNSHIP OF SILVER SPRING TOWNSHIP, AS AMENDED, TO ADD THE DEFINITION OF "SOLAR FARM;" TO PROVIDE FOR SOLAR FARMS IN THE GENERAL INDUSTRIAL ZONE (I-2) WITH ADDITIONAL REGULATORY CONDITIONS; TO REORDER PROVISIONS OF THE CODE TO ACCOMMODATE THE AMENDMENTS FOR SOLAR FARMS; AND TO UPDATE RELATED SECTION CROSS-REFERENCES

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of the Township of Silver Spring, Cumberland County, Pennsylvania, that the Code of the Township of Silver Spring ("the Code"), Chapter 415 [Silver Spring Township Zoning Ordinance of 2022], as amended, is hereby amended as follows:

SECTION 1

Silver Spring Township Zoning Ordinance shall be amended as follows:

A. Section 111.3 [SPECIFIC WORDS AND PHRASES] is hereby amended as follows:

The following definition to be inserted in proper alphabetical order:

SOLAR FARM – Solar energy collection systems which purpose is to generate, collect, convert, invert, store, and/or produce energy or the byproducts of energy (heat, batteries, etc.) in order to offer said items for sale and/or off-site use. Solar energy collection systems may be classified as solar farms whether in use as an accessory or primary use. All items ancillary, accessory, or appurtenant to a solar farm are also considered part of the solar farm. "Solar Farm" shall not include solar energy collection systems primarily intended and customarily installed for accessory residential or commercial use on-site.

B. Section 215.B shall be amended to include Solar Farms as a conditional use and to amend the Additional Provisions Reference for Slaughter, Process, Render, and Package of Food Products in proper alphabetical order:

Slaughter Process, Render, and Package of Food Products	C	443; 804
Solar Farms	C	444; 804

C. Section 443 [Reserved] shall be amended as follows:

Section 443 **SLAUGHTERING, PROCESSING, RENDERING, AND PACKAGING OF FOOD PRODUCTS**

Within the (I-2) Zone, slaughtering, processing, rendering, and packaging of food products and their by-products are permitted by conditional use, subject to the following criteria:

- A. B. Minimum Lot Area - Five (5) acres;
- B. The subject site shall have access to a major collector or arterial road;
- C. Public sewer and public water facilities shall be utilized;
- D. All aspects of the slaughtering, processing, rendering, and packaging operation, excepting the unloading and holding of live animals, shall be conducted within a completely-enclosed building;
- E. All live animals held outside shall be within secure holding pens or runways, sufficiently large to accommodate all animals without crowding, and not located within the front yard;
- F. The applicant shall furnish a working plan for the recovery of escaped animals which minimizes the potential for animals to enter traffic or cross property lines, and which shall be continuously implemented;
- G. All animal wastes shall be regularly cleaned up and properly disposed of, so as not to be objectionable at the site's property line;
- H. The unloading of live animals from trucks into holding pens and their movement into the plant shall be continuously supervised by a qualified operator, whose responsibility it shall also be to immediately identify and appropriately dispatch any obviously ill or injured animals;
- I. The unloading of live animals and their movement into the plant shall be conducted in an orderly and calm manner so as to minimize noise levels;
- J. The loading and unloading of trucks shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.;
- K. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within two hundred (200) feet of any property line nor five hundred (500) feet of any land within a residential zone;
- L. All animal holding pens and/or areas used for the loading/unloading of animals shall be screened from all adjoining properties and shall include a minimum fifty (50) foot wide landscape strip;
- M. Sewer and water lines shall not meet within or beneath the plant, and shall further be designed and installed to minimize the potential for leakage and contamination by maximizing the separation distance between lines and laying sewer lines at greater depth than water lines;
- N. Where wastewater pretreatment is required by the EPA or local authority, wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PA DEP regulations;
- O. All unusable animal by-products shall be stored indoors in leak- and vector-proof containers. In the case of slaughtering or processing operations, which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for more than twenty-four (24) hours;

- P. The applicant must demonstrate written compliance with, and continue to comply with, all applicable local, State and Federal standards and regulations;
- Q. The use shall provide sufficiently long stacking lanes and on-site loading/unloading areas, so that trucks waiting to be loaded/unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road;
- R. Access - Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with major collector or arterial roads;
- S. All access drives shall be designed and located so as to permit the following minimum sight distances measured from a point at least ten (10) feet behind the curb line or edge of cartway of an intersecting public street. No sight obstructions shall be permitted which are greater than three (3) feet or less than ten (10) feet above the street surface.
- T. All access drives onto the site shall have a paved minimum thirty-five (35) foot wide cartway for a distance of at least two hundred (200) feet from the street right-of-way. In addition, if portions of onsite access drives are unpaved, then a fifty (50) foot long gravel section of driveway shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels; and
- U. The applicant shall furnish a traffic study prepared by a professional traffic engineer in accordance with Section 402.05 of the SLDO.

D. Section 444 [SLAUGHTERING, PROCESSING, RENDERING, AND PACKAGING OF FOOD PRODUCTS] shall be amended such that all the provisions for Slaughter Process, Render, and Package of Food Products, which have been moved to Section 443 per Section 1.C of this ordinance and is not recited and shown as stricken in this section, shall be repealed from Section 444 and replaced as follows:

Section 444 SOLAR FARMS

- A. Solar Farms shall not be artificially lighted except to the minimum extent required by applicable law.
- B. No advertising shall be displayed. Reasonable identification of equipment and facility owner shall not be considered advertising.
- C. On-site transmission, power and other similar lines shall be placed underground.
- D. Nothing except fencing, screening, means of vehicular access and underground utility lines shall be located within 250 feet of any property line nor within 500 feet of any residential zone or use.
- E. Solar farms shall be enclosed by a fence or barrier to prevent unauthorized access. Clearly visible warning signs shall be regularly placed on fence or barrier warning of potential electrical hazards.
- F. Screening shall be 80% opaque at a height of six (6) feet at the time of planting. The Board may also require the installation of earthen berms as needed to reduce visibility of operations from public streets or dwellings.

- G. Any above-ground equipment, including but not limited to framework-mounted solar panels, shall count towards the maximum lot coverage allowed in the applicable zoning district as well as towards impervious surface totals for the purpose of stormwater management. If the equipment is adjustable, this calculation shall be performed by accounting for the maximum ground coverage possible.
- H. All material and waste storage shall be indoors.
- I. No Solar Farm shall produce noise that exceeds forty (40) dBA at exterior walls if any residence, fifty (50) dBA at the property line of any residential district or use and/or sixty (60) at the property line.
- J. No Solar Farm shall produce glare that would constitute a nuisance to neighboring properties or travelers.
- K. Disruption or loss of radio, television, telephone, or similar signals is not permitted.
- L. Unless an easement is established, no solar farm shall claim any rights to protect against shadows or other interference or blockage cast by neighboring properties.
- M. Solar Farms shall begin decommissioning within 12 months of either the cessation of energy generation or offer of energy byproducts for sale or off-site use.
- N. The requirements listed herein for solar farms shall apply to both accessory and primary uses.

SECTION 2. Severability.

If any section, subsection, sentence, clause, phrase, provision, or portion of this Ordinance is found to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision. Such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. Effective Date.

This Ordinance shall become effective as soon as permissible by law after its enactment by the Board of Supervisors of the Township of Silver Spring, County of Cumberland, Commonwealth of Pennsylvania.

DULY ENACTED AND ORDAINED INTO LAW as Ordinance No. 06 of 2023 this 26th day of July 2023.

ATTEST:

**SILVER SPRING TOWNSHIP
BOARD OF SUPERVISORS**



Willetta D. Huth, Secretary



Carlon R. Machamer, Chair