TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024 - 1

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TULPEHOCKEN TOWNSHIP ZONING ORDINANCE OF 2013, TO ALLOW FOR AND PROVIDE RULES AND REGULATIONS FOR THE USE OF SOLAR ENERGY AND KEEPING OF DOMESTIC FARM ANIMALS AND BACKYARD CHICKENS AND AMENDING THE DEFINITION OF ANIMAL UNIT

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, Tulpehocken Township Board of Supervisors enacted a Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, on April 8, 2013 and has subsequently amended it multiple times; and

WHEREAS, the Township seeks to promote the general health, safety and welfare of the community by adopting and implementing an amendment to the Tulpehocken Township 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; and

WHEREAS, the Township desires to amend the Zoning Ordinance to provide for regulations for keeping of domestic farm animals and backyard chickens; and

WHEREAS, the Township desires to amend and clarify the definition of animal unit.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Tulpehocken, Berks County, Pennsylvania, pursuant to the authority conferred by the Municipalities Planning Code, that the following be and is hereby adopted:

SECTION 1. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 300 entitled "Definitions" is hereby amended to number the term "Definition of Terms" as Section 308 and to remove the numbers of the terms defined thereunder.

SECTION 2. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 300 entitled "Definitions", Section

308 entitled "Definition of Terms" is hereby amended to amend the definition of animal unit, general agriculture and alphabetically add the following definitions:

ACCESSORY SOLAR ENERGY SYSTEM: a Solar Energy System which has a rated capacity of less than or equal to ten (10) kilowatts (for electricity) or rated storage volume of the system of less than or equal to two hundred forty (240) gallons or that has a collector area of less than or equal to one thousand square feet (1,000 sq. ft.) (for thermal), and is intended to primarily reduce on-site consumption of utility power. A system is considered an Accessory Solar Energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

AGRICULTURE. The raising and keeping of field, truck, or tree crops, and/or the raising and keeping of any member of the animal kingdom as a business enterprise. Kennels and roadside stands as defined herein are specifically excluded.

General Agriculture. An activity shall be considered general agriculture provided the number of animal units is a maximum of 0.5 units per acre on parcels equal to or less than five (5) contiguous acres, unless the activity complies with the pasture requirements in Section 1038; the number of animal units is a maximum of 2.0 units per acre on parcels greater than five (5) contiguous acres; and the area of greenhouses erected is less than or equal to 50,000 square feet. The production of mushrooms is excluded.

Intensive Agriculture. An activity shall be considered intensive agriculture when the number of animal units per acre or the area of greenhouses erected as defined for general agriculture is exceeded. Mushroom production shall be considered intensive agriculture.

ANIMAL EQUIVALENT UNIT (AEU): One thousand pounds live weight of animals, on an annualized basis, regardless of the actual number of individual animals comprising the unit. These units shall be calculated as provided under the Pennsylvania Nutrient and Odor Management Acts and accompanying regulations. For the purposes of this calculation, acreage shall include land suitable for the application of manure, which may include rented or leased land outside of the parcel where the agricultural operation is located, including outside of Tulpehocken Township, and such acreage need not be physically connected.

BACKYARD CHICKENS: The raising of chickens for pets or consumption on the premises as an accessory use to a residence on a lot five (5) acres or less in area.

PRIME AGRICULTURAL LAND: Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.

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

SOLAR ENERGY PRODUCTION FACILITY: an area of land or other area used for a Solar Energy System principally used to capture solar energy and convert it to electrical energy. Solar Energy Production Facilities consist of one 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 exchanges, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities, which has a rated capacity of more than ten (10) kilowatts (for electricity) or rated storage volume of the system of more than two hundred forty (240) gallons or that has a collector area of more than one thousand square feet (1,000 sq. ft.) (for thermal).

SOLAR ENERGY SYSTEM: a solar photovoltaic cell, panel, or array, or solar hot air or water collector device, including any structural design features and all appurtenances and parts thereof, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for space heating or cooling, for water heating and/or for electricity. Solar Energy Systems include both Accessory Solar Energy Systems and Solar Energy Production Facilities.

SOLAR PANEL: that part or portion of a Solar Energy System containing one (1) or more receptive cells or units, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

SECTION 3. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 500 entitled "VC – Village Center District", Section 542 entitled "Permitted Accessory Uses" is hereby amended by amending Section 542.02 entitled "Customary Accessory Structures and Use" and to add new Sections 542.08 and 542.09 which shall read in their entirety as follows:

542.02 Customary accessory structure use. The keeping of domestic farm animals, except for backyard chickens pursuant to Section 1039, such as, but not limited to, ducks, geese, goats, sheep, pigs, cattle, donkeys and horses, shall not be considered customary accessory uses to any property the principal use of which is not a farm.

542.08. Accessory Solar Energy Systems in accordance with Section 1037.

542.09 Backyard Chickens in accordance with Section 1039.

SECTION 4. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 600 entitled Rural Residential District, Section 640 entitled "RR – Rural Residential District", Section 642 entitled "Permitted Accessory Uses" is amended to add new Sections 642.08, 642.09 and 642.10 which shall read in their entirety as follows:

642.08. Accessory Solar Energy Systems, in accordance with Section 1037.

642.09 Keeping of Domestic Farm Animals, in accordance with Section 1038.

642.10 Backyard Chickens in accordance with Section 1039.

SECTION 5. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 700 entitled "IC – Industrial-Commercial District", Section 742 entitled "Permitted Accessory Uses" is hereby amended to add a new Section 742.04 which shall read in its entirety as follows:

742.04 Accessory Solar Energy Systems, in accordance with Section 1037.

SECTION 6. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 800 entitled "EAP - Effective Agricultural Preservation District", Section 832 entitled "Permitted Accessory Uses" is hereby amended to add new Sections 832.09 and 832.10 which shall read in their entirety as follows:

832.09 Accessory Solar Energy Systems, in accordance with Section 1037.

832.10 Keeping of Domestic Farm Animals, in accordance with Section 1038.

SECTION 7. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 800 entitled "EAP - Effective Agricultural Preservation District", Section 834 entitled "Special Exception Uses" is hereby amended to add new Section 834.10 which shall read in its entirety as follows:

834.10 Accessory Solar Energy Systems located between principal structure and street right of way, in accordance with Section 1062.

SECTION 8. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 900 entitled "EP – Environmental Protection", Section 980 entitled "Steep Slope Portion of the Environmental Protection Area". Section 982 entitled "Permitted Accessory Uses" is hereby amended to read in their entirety as follows:

982.01 Any accessory uses permitted in the underlying Zoning District

982.02 Accessory Solar Energy Systems, in accordance with Section 1037.

SECTION 9. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 900 entitled "EP – Environmental Protection District", Section 980 entitled "Steep Slope Portion of the Environmental Protection Area". Section 983 entitled "Special Exception Uses" is hereby amended to add:

983.02 Solar Energy Production Facilities, in accordance with Section 1062.

SECTION 10. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 900 entitled "EP – Environmental Protection", Section 990 entitled "Wetland Portion of the Environmental Protection Area" is amended to add Section 993 to be entitled "Permitted Accessory Uses" which shall read in its entirety as follows:

993.01 Accessory Solar Energy Systems, in accordance with Section 1037 and approval from the requisite permitting agencies including but not limited to the Pennsylvania Department of Environmental Protection (PaDEP).

SECTION 11. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 900 entitled "EP – Environmental Protection District", Section 990 entitled "Wetland Portion of the Environmental Protection Area", is amended to add Section 994 to be entitled "Special Exception Uses" which shall read in its entirety as follows:

The following uses are permitted subject to Zoning Hearing Board approval, pursuant to Sections 1060 and 1150:

994.01 Solar Energy Production Facilities, in accordance with Section 1062 and approval from the requisite permitting agencies including but not limited to the Pennsylvania Department of Environmental Protection (PaDEP).

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SECTION 12. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, to add a new Section 900-A to be entitled "GEO - Green Energy Overlay Zoning District" which shall read in its entirety as follows:

900-A GREEN ENERGY OVERLAY ZONING DISTRICT

910-A Overlay Concept

The Green Energy Overlay Zoning District shall be an overlay of properties designated hereby where Solar Energy Production Facilities can be constructed in accordance with Section 1062.

920-A Permitted Uses.

All uses and accessory uses permitted by right in the underlying zoning district.

930-A Special Exception Uses.

931-A Solar Energy Production Facilities, in accordance with Section 1062.

932-A All uses and accessory uses permitted by special exception in the underlying zoning district.

940-A Conditional Uses.

All uses and accessory uses permitted by conditional use in the underlying zoning district.

SECTION 13. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 400 entitled "District and Boundaries", Section 410 entitled "Classes of Districts" is amended to add

GEO - Green Energy Overlay Zoning District

SECTION 14. The Tulpehocken Township Zoning Map as adopted by the Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, is amended to create and identify the following properties as the Green Energy Overlay Zoning District:

Site Address	Parcel ID #
Four Point Rd	86441000573479
9 W Four Point Rd	86441000588292
18 W Four Point Rd	86441000679960
28 W Four Point Rd	86441000777139
Cherry Hill Rd	86441000564890
Cherry Hill Rd	86441000564296
W Four Point Rd	86441000761594
10 Teen Challenge Rd	86441000767917
16 Teen Challenge Rd	86441000868346
Teen Challenge Rd	86441000961105
Cherry Hill Rd	86441000555705
355 Cherry Hill Rd	86441000555641
359 Cherry Hill Rd	86441000559771
367 Cherry Hill Rd	86441000556327
371 Cherry Hill Rd	86441000556168
369 Cherry Hill Rd	86441000559325
363 Cherry Hill Rd	86441000652414
Cherry Hill Rd	86441000655733
395 Cherry Hill Rd	86441000641312
37 Teen Challenge Rd	86441000958683
41 Teen Challenge Rd	86442000033860
483 Cherry Hill Rd	86441000628995
62 Teen Challenge	86441000832540
60 Teen Challenge Rd	86441000836765

64 Teen Challenge Rd	86441000824902
70 Teen Challenge Rd	86441000826577
Teen Challenge Rd	86441000827256
82 Teen Challenge Rd	86441000817879
86 Teen Challenge Rd	86441000817502
92 Teen Challenge Rd	86441000910115

SECTION 15. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 1000 entitled "Supplementary Regulations", Section 1020 entitled "Regulations Applying to Certain Uses and Districts" is hereby amended to add a new Section 1037 to be entitled "Solar Energy Systems" which shall read in its entirety as follows:

1037 Solar Energy Systems

1037.1 Requirements for All Solar Energy Systems

a. General Requirements

1. A zoning permit for such use shall be obtained from the Zoning Officer.

2. Installation of Solar Energy Systems shall be in compliance with the Pennsylvania Uniform Construction Code, as amended, and be subject to all applicable permit requirements thereof as well as all other applicable laws, codes and regulations.

3. On-site electrical transmission and power lines connected to or associated with the Solar Energy System shall be located underground.

4. The owner of any Solar Energy System connected to an electric utility grid shall provide the Township with written authorization from the utility acknowledging and approving such connection.

5. All Solar Energy System installations must be certified by a professional firm from a list of approved solar electric installers provided on the PA Sunshine Program website operated by the PA Department of Environmental Protection or from the North American Board of Certified Energy Practitioners.

6. Solar Energy Systems shall not be used for displaying advertising except for reasonable identification of the manufacturer of the system. In no case shall such identification exceed two hundred (200) square inches.

7. A clearly visible warning sign concerning voltage shall be placed at the base of all pad mounted transformers and substations.

8. When a building is necessary for the storage of cells and/or equipment or components related to the Solar Energy System, the building must meet all requirements of this Ordinance governing accessory buildings, including but not limited to size, location, quantity, and height restrictions.

9. Discontinued Use / Decommissioning

   The facility owner or operator shall, at its expense, complete decommissioning of the Solar Energy Facility within six (6) months after the end of the useful life of the facility. The Solar Energy Facility will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. As a condition of the issuance of a permit for the Solar Energy Facility use, the operator shall obtain from the utility company receiving electrical energy from the Solar Energy Facility an agreement to notify the Township within thirty (30) days whenever solar energy is no longer being delivered to the utility company from the Solar Energy Facility. Decommissioning shall include removal in their entirety of solar arrays, support equipment, buildings, electrical components and lines, roads, foundations, and any other associated facilities. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing and the governing body approves that the access roads or other land surface areas not be restored.

   An estimate for the total cost of decommissioning (Decommissioning Costs) without regard to salvage value of the equipment, and the cost of decommissioning net of the salvage value of the equipment (Net Decommissioning Costs) shall be submitted to the municipality for review and approval after the first year of operation and every fifth year thereafter. The facility owner or operator shall post and maintain Decommissioning Funds in an amount equal to the Net Decommissioning Costs; provided, that at no point shall Decommissioning Funds be less than one hundred twenty-five percent (125%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and

participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the municipality. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the municipality. If the facility owner or operator fails to complete decommissioning within the required period, then the landowner shall complete decommissioning within six (6) months after the expiration of the facility owner or operator required time period to complete decommissioning.

If neither the facility owner or operator, nor the landowner complete decommissioning within the required periods, then the municipality may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Landowner agreement to the municipality shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the municipality may take such action as necessary to implement the decommissioning plan. To the extent the municipality incurs costs to rightfully perform any act in furtherance of decommissioning, it shall submit documentation of such costs to the escrow agent, and the escrow agent shall release sufficient escrow funds to the municipality to cover such costs. The escrow agent shall release any remaining Decommissioning Funds to the facility owner or operator when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

10. Any Solar Energy Systems existing as of the effective date of this Section are exempted from the provisions of this Section; however, any replacement of any substantial part of or all of the system shall be in compliance with the requirements of this Ordinance.

11. 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 referred to in Section 1037 above, 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 obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such adjoining or other property; or (2) the right to prohibit the development on or growth of any trees or vegetation on such adjoining or other property.

12. Transformers and battery storage facilities shall be located as to not produce a noticeable noise at the property line of the closest adjacent residential property.

b. Specific Requirements for Roof-Mounted Systems

1. Integrated or separate flush-mounted solar panels may be located on any roof surface in accordance with the Pennsylvania Uniform Construction Code as adopted and amended by the Township.

2. The total height of a building with solar panels shall not exceed by more than one foot (1') the maximum building height permitted in the applicable zoning district.

3. A structural roof analysis shall be required to be provided to the Township Zoning Officer or their designee for all roof-mounted Solar Energy Systems.

c. Specific Requirements for Ground-Mounted Systems

1. No part of a Solar Energy System shall be located in any area between the front of the principal building and the street right of way.

2. Ground-mounted Solar Energy Systems (also referred to as "ground arrays") shall be located so that any sun reflection is directed away from or is properly screened from adjoining property.

3. Ground accessory arrays not located in front yard shall not exceed a height of ten feet (10') at the highest point of the structure.

4. Solar panels shall not be mounted on any pole or tower.

5. No part of a Solar Energy System shall be placed or erected within the required yard setback required by the applicable zoning district.

6. Where located in a zoning district with a maximum impervious coverage regulation, the surface area of a ground-mounted Solar Energy System, regardless of the mounted angle of any solar panels, shall be considered part of and calculated in the impervious coverage of the lot on which the system is located.

7. The surface area of a ground-mounted Solar Energy System shall not exceed three percent (3%) of the lot area of the lot on which it is located.

8. A ground-mounted Solar Energy System is not permitted, and may not be placed, in utility or access easements or in stormwater management facilities.

1037.2 Accessory Solar Energy Systems

a. Accessory Solar Energy Systems shall be permitted by right as an accessory use to a principal use which is permitted either by right or by special exception in the subject zoning district, subject to the requirements of Section 1037.1 above.

b. Accessory Solar Energy Systems located within any area between the front of the principal building and the street of right of way, shall be permitted only by special exception, in accordance with Section 1062.

1037.3 Solar Energy Production Facilities

All Solar Energy Production Facilities shall be permitted only by special exception, in accordance with Section 1062.

1037.4 Nuisance; Injunction.

Any violation of this Section is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the Township Solicitor may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

SECTION 16. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 1000 entitled "Supplementary Regulations", Section 1020 entitled "Regulations Applying to Certain Uses and Districts" is hereby amended to add a new Section 1038 to be entitled "Keeping of Domestic Farm Animals" which shall read in its entirety as follows:

1038 Keeping of Domestic Farm Animals.

1038.1. The raising and ownership of horses, cattle, swine, sheep, goats, or similar animals, for personal use and entertainment shall be limited to 1.5 Animal Equivalent Units (AEU) per Acre of pasture land or adjoining leased pasture land on tracts or parcels of five (5) or less contiguous acres.

1038.2. The pasture land shall be fenced in by a fence of at least three and one half feet (3.5') in height and otherwise in accordance with applicable provisions of the Zoning Ordinance.

1038.3. Creation and maintenance of a Nutrient Management Plan if required by the Pennsylvania Department of Environmental Protection a copy of which shall be submitted with the zoning permit application.

SECTION 17. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 1000 entitled "Supplementary Regulations", Section 1020 entitled "Regulations Applying to Certain Uses and Districts" is hereby amended to add a new Section 1039 to be entitled "Backyard Chickens" which shall read in its entirety as follows:

1039 Backyard Chickens

1039.1 A site plan shall be required prior to the issuance of a zoning permit for Backyard Chickens. The site plan shall show all existing and proposed structures (coops, runs, etc.) and lot lines.

1039.2 Backyard Chickens shall be permitted as an accessory use to a single-family dwelling only.

1039.3 The number of chickens permitted on any one residential lot with an area of one (1) acre or less is as follows:

1. Lots up to 0.5 acres may have up to six (6) chickens.

2. Lots of 0.5 acres to 1.0 acre shall be permitted a maximum of twelve (12) chickens.

1039.4 All buildings, coops and enclosures for chickens must be in the rear yard with a minimum of twenty feet (20') setback from rear property line and fifteen feet (15') setback from both side property lines.

1039.5 No mature roosters shall be permitted.

1039.6 Killing or dressing of chickens raised on the premises shall be permitted if conducted entirely within an enclosed building and disposed of properly.

1039.7 The keeping of chickens shall be permitted within a securely fenced and enclosed area.

1039.8 All structures and roaming areas for chickens shall be kept sanitary and free from accumulations of animal excrement and objectionable odor.

SECTION 18. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 1000 entitled "Supplementary Regulations", Section 1060 entitled "Requirements for Special Use" is hereby amended to be renamed "Requirements for Special Exception Uses".

SECTION 19. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 1000 entitled "Supplementary Regulations", Section 1060 entitled "Requirements for Special Exception Uses" is hereby amended to renumber Section 1062 entitled "Applicability of Higher Standards" as Section 1065 and amends that Section to read in its entirety as follows:

1065 APPLICABILITY OF HIGHER STANDARDS

The requirements of Section 1060 are supplementary to the provisions of any District. Where they are less than the regular requirements of the District, the District requirements shall prevail.

SECTION 20. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 1000 entitled "Supplementary Regulations", Section 1060 entitled "Requirements for Special Use" is hereby amended to rename, amend and add a new Section 1062 to be entitled "Solar Energy Systems" which shall read in its entirety as follows:

1062 SOLAR ENERGY SYSTEMS

a. Accessory Solar Energy Systems located in front yards

1. All requirements in Section 1037.1 shall be satisfied, except as otherwise herein indicated.

2. The Accessory Solar Energy System may be located within the area between the front of the principal building and the street of right of way, but shall not be located within any front yard setback.

3. Vegetative screening shall be provided to serve as a barrier to visibility and glare, subject to the following standards:

(a) All materials shall reach a minimum height of six feet (6') above finished grade of land at site of planting within two (2) years of planting. However, all materials used for

screening of an industrial use shall be six feet (6') at initial planting.

(b) Planting materials shall be permanently maintained in order to ensure effective screening and shall be replaced when necessary.

(c) Vegetative screening must be comprised of plant material that will provide a minimum opacity of eighty percent (80%) in winter and eighty percent (80%) in summer.

(d) Screen planting shall contain two (2) staggered rows of vegetative material. Seventy-five percent (75%) shall be fast-growing needled evergreens, planted ten feet (10') on center and staggered for effective screening. The remaining twenty-five percent (25%) shall be deciduous trees planted in staggered clusters with twenty-five feet (25') being the maximum spacing between trees.

(e) The vegetative landscape screening shall be evaluated for compliance and condition one (1) year following installation as evidenced by release of escrow for installation of the vegetative screening.

(f) Ground mounted arrays located in the front yard shall be a minimum height of four feet (4') and shall not exceed a height of twelve feet (12') at the highest point of the structure.

b. Solar Energy Production Facilities

1. All conditions in Section 1037.1 shall be satisfied, except as otherwise herein indicated.

2. The Solar Energy Production Facility shall be vegetatively screened to serve as a barrier to visibility and glare, in compliance with the screening standards set forth in Section 1062.a.3.

3. A land development plan shall be submitted to and approved by Tulpehocken Township in accordance with the Subdivision and Land Development Ordinance and Stormwater Management Ordinance of Tulpehocken Township prior to construction.

4. The surface area of all solar panels and any related structure shall not exceed 20% of the lot area.

5. A minimum of five (5) acres shall be dedicated to the solar array for the facilities.

6. The front yard setback shall be in accordance with the requirements of the underlying zoning district.

7. The height of structures comprising the solar energy production facility shall be a minimum of six feet (6') in height and shall not exceed fifteen feet (15') in height at the lowest point of the structure.

8. The Township Engineer shall approve any stormwater design required to manage the increase in impervious area created by the installation of the Solar Energy Production Facility.

9. Where proposed in the Green Energy Overlay Zoning District, a Solar Energy Production Facility shall be subject to the following additional regulations:

   a. The Solar Energy Production Facility shall occupy no more than the quantity of land which remains eligible to be divided as new residential lots from the parent tract pursuant to Section 850 and 870.

   b. For every two (2) acres or part thereof which is proposed to be used for a Solar Energy Production Facility, the number of new residential lots which had previously been eligible to be subdivided from the parent tract shall be reduced by one lot.

   c. A Solar Energy Production Facility shall be located so as to minimize the amount of prime agricultural soils being taken out of production.

   d. The land development plan for the Solar Energy Production Facility shall specify how many, if any, new residential lots may still be subdivided from the parent tract in accordance with the quota allocated thereto in Sections 850 and 870, and as may have been reduced by this Section 1062.

   e. The landowner shall also record a document, in a form acceptable to the Township Solicitor and indexed against the parent tract, describing whether or not any further rights of development remain for the parent tract.

   f. Documentation shall be provided proving a Natural Heritage Inventory search was performed and approval indicating that

the Solar Energy Production Facility will not have an impact on the NHI obtained.

10. Where pre-existing stormwater management deficiencies exist on the property or on adjacent or nearby properties in the drainage basin of which the property on which the Solar Energy Facility is proposed, the Township Engineer may reasonably require greater stormwater management on the property where the Solar Energy Facility is proposed than would otherwise be required. For purposes of this paragraph, pre-existing stormwater management deficiencies means periodic flooding, ponding of water, erosion, and other similar indications of excessive stormwater which interferes with the use of property, including growing of crops on tilled fields. For purposes of applying this paragraph, the Township Engineer shall take into consideration the following guidelines: (1) establish the equivalent of a "Meadow" runoff cover condition across the site; (2) infiltrate a minimum of one-half inch (½") of rainfall over the entire site without consideration of any ground cover change; and (3) reduce the pass through flow rate discharged from the site to eighty percent (80%) of the flow rate onto the site by either infiltration or detention.

11. The panels shall be designed and installed to minimize glare and to preclude burn out on surrounding terrain. Applicant shall indemnify, defend and release the Township and its representatives from any claims for damages for burnout caused by installation of the solar energy production facility.

12. Solar farms shall be enclosed by perimeter fencing at a height of six (6) feet to restrict unauthorized access. Fencing shall be permitted within the front, rear and side yards of a lot and shall be set back a minimum of fifteen (15) feet from all property lines or five (5) feet from any street right of way line.

13. The driveway shall be designed and installed to provide for paving from and including the street right-of-way to the gate ensuring sufficient space to exit the roadway and to gain entry. The remainder of the driveway shall be installed with material that shall create a dust free and all weather service. Should it be determined that the non paved driveway creates a stormwater runoff issue, the Township may require the entire length of the driveway to be paved.

SECTION 21. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 1000 entitled "Supplementary

Regulations", Section 1060 entitled "Requirements for Special Use" is hereby amended to number and mark as reserved for future use Sections 1063 and 1064.

SECTION 22. The Tulpehocken Township Zoning Map as adopted by the Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, is amended and revised and the Official Zoning Map of the Township of Tulpehocken shall be the Zoning Map attached hereto as Exhibit "A".

SECTION 23. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Zoning Ordinance upon enactment.

SECTION 24. Repeal of Ordinances. Any ordinance or parts of any ordinance conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provision.

SECTION 25. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect nor impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of the Township of Tulpehocken, Berks County, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or words that may have been declared illegal, unconstitutional or invalid.

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SECTION 26. Effective Date. This Ordinance shall become effective at the earliest date permitted by law.

ENACTED AND ORDAINED this 2nd day of January, 2024.

BOARD OF SUPERVISORS OF TULPEHOCKEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

TULPEHOCKEN TOWNSHIP SEAL BERKS COUNTY, PA

BY: Mary A. Deck
Chairman

Austin H. Fenck
Member

Harold B. Zimmerman
Member

ATTEST: Kathryn Judy
Secretary

CERTIFICATE OF ENACTMENT

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2024-1 of Tulpehocken Township, Berks County, Pennsylvania, which was adopted by the Board of Supervisors of said Township at a regular meeting held pursuant to notice as required by law on January 2, 2024.

WITNESS my hand and seal this 2nd day of January, 2024.

Kathryn Judy
Secretary, Tulpehocken Township

TULPEHOCKEN TOWNSHIP SEAL BERKS COUNTY, PA

EXHIBIT A
OFFICAL ZONING MAP
TOWNSHIP OF TULPEHOCKEN
COUNTY OF BERKS
PENNSYLVANIA

OFFICIAL ZONING MAP

TULPEHOCKEN TOWNSHIP
BERKS COUNTY, PENNSYLVANIA

- ENVIRONMENTAL PROTECTION
- VILLAGE CENTER
- RURAL RESIDENTIAL
- INDUSTRIAL AND COMMERCIAL
- EFFECTIVE AGRICULTURAL PRESERVATION
- GREEN ENERGY OVERLAY DISTRICT (GEO)

0' 1500' 3000' 4500'

1"=1500'

THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP OF THE TOWNSHIP OF TULPEHOCKEN ADOPTED ON APRIL 8, 2013, WHICH SUPERSEDES ALL PRIOR ZONING MAPS OF THE TOWNSHIP, AS AMENDED AND CORRECTED ON _____

ATTEST:

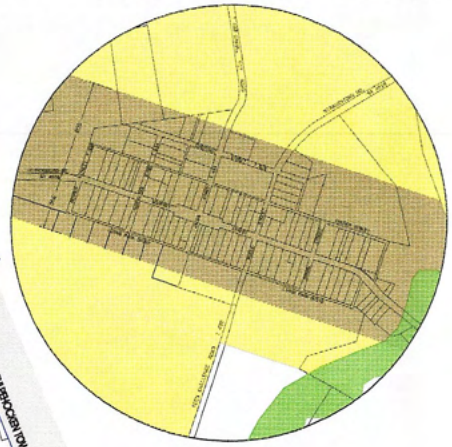
_____
SECRETARY OF THE BOARD OF SUPERVISORS

_____
VICE CHAIRMAN OF THE BOARD OF SUPERVISORS

MT. AETNA

0' 500' 1000' 1500'

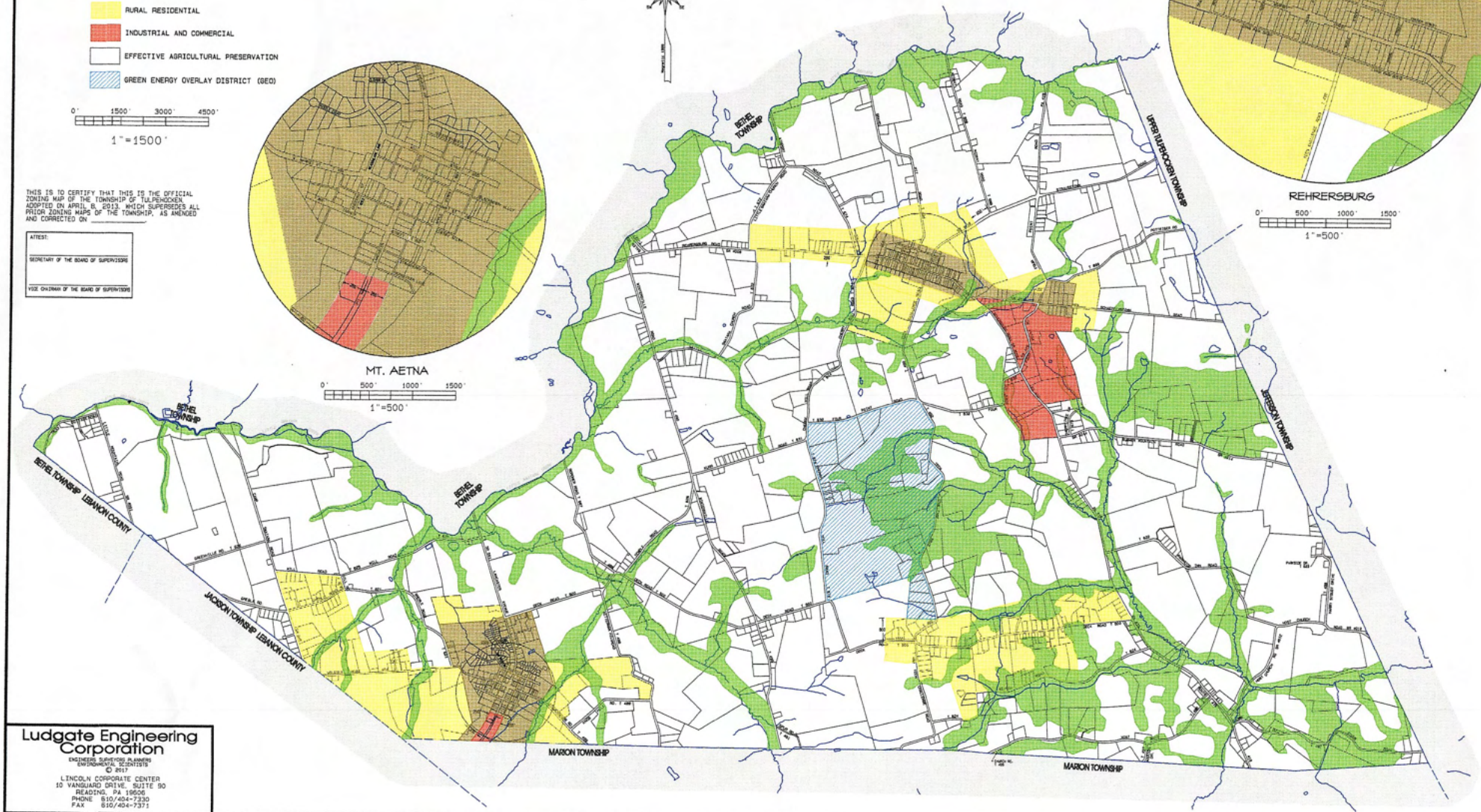
1"=500'



REHRERSBURG

0' 500' 1000' 1500'

1"=500'



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