FRANKLIN TOWNSHIP

CARBON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024-02

AN ORDINANCE AMENDING THE 1972 ZONING ORDINANCE OF FRANKLIN TOWNSHIP, AS PREVIOUSLY AMENDED, TO:

ITEM 1 - ADD DEFINITIONS TO §201.4 1
ITEM 2 - ADD *ACCESSORY SOLAR ENERGY SYSTEM* TO ALL DISTRICTS 3
ITEM 3 - ADD *SOLAR ENERGY FACILITY TO THE A-AGRICULTURAL DISTRICT* 3
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NOW THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Franklin Township, Carbon County, Pennsylvania, pursuant to the provisions of the Pennsylvania Municipalities Planning Code, that the 1972 Zoning Ordinance of Franklin Township, Carbon County, Pennsylvania, as previously amended, is hereby amended as follows:

☞ **ITEM 1 – Add the following definitions to §201.4:**

A. Add:

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. An accessory solar energy system consists of one or more free-standing ground, wall-mounted, 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 for use on-site.

Agrivoltaics: The co-development of the same area of land for both solar photovoltaic power and *Normal Farming Operations* as defined by P.L. 454, No.133 (1982), the Protection of Agricultural Operations from Nuisance Suits and Ordinances Act, or any successor laws.

Financial Security: A form of security including a cash deposit, surety bond, Federal or Commonwealth chartered lending institution irrevocable letter of credit, and escrow accounts in such lending institutions in the amount of 110 percent of the total proposed decommissioning costs and in a form satisfactory to the Supervisors and Solicitor.

Land Development:

A. Any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

   a. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure;

b. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

2. A subdivision of land.

3. The expansion or addition to a nonresidential building which involves any of the following as measured cumulatively from February 25, 2024:

   a. The addition of 25 percent or more of floor area to a structure;

   b. The increase by 25 percent or more of impervious area (including building area) on the parcel; or,

   c. Any increase in impervious area which will result in the generation of stormwater runoff in such volume as will not be controlled by existing stormwater management facilities pursuant to the requirements of this Ordinance.

4. **A solar energy facility (SEF) as defined in this §201.4.**

B. Unless any of the thresholds established by §A3 above are exceeded, the following shall not be considered land developments:

1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units unless such units are intended to be a condominium.

2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the Township.

Solar Array: A system of a group of solar panels connected together.

Solar Array Connection: The low-voltage electric lines which connect Solar Related Equipment.

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 Facility (SEF): 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. Principal solar energy systems 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 exchangers, substations, electrical infrastructure, transmission lines and other

appurtenant structures.

Solar Energy Project: A grouping of two or more Solar Energy Facilities which are held by one owner or leased to a common lessee, and which are part of a single solar energy production development project.

Solar Energy Project Owner: The individual, group or entity responsible for the permitting, construction and operation of a Solar Energy Facility or Solar Energy Project.

Solar Facility Connection: The high-voltage electric conveyance lines which connect a Solar Energy Facility to the Solar Project Connection.

Solar Project Connection: The electric conveyance lines which connect a Solar Energy Facility to the high-voltage electric interconnection grid.

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 foundations or other structures used for or intended to be used for collection of solar energy.

☞ **ITEM 2 - Add *accessory solar energy systems* to the list of Permitted Accessory Uses in all zoning districts in Article IV (District Regulations) as follows:**

- A – Agricultural: Add to §401.2 as *Subsection e*.
- R – Residential: Add to §402.2 as *Subsection e*.
- C-1 – Neighborhood Commercial: Add to §403.2 as *Subsection d*.
- C-2 – General Commercial: Add to §404.2 as *Subsection d*.
- M-S – Motorist Services: Add to §405.2 as *Subsection g*.
- I – Industrial: Add to §406.2 as *Subsection e*.

☞ **ITEM 3 - Add *solar energy facility* as *Subsection i* to the list of Special Exceptions in §401.3 in the A – Agricultural District.**

☞ **ITEM 4 – Amend §406.3 (I – Industrial District) to read as follows:**

406.3 Uses Permitted with Zoning Hearing Board Approval (Special Exception) pursuant to 802.5.

a. Accessory uses not located on the same lot as the principal use.
b. Solar energy facility.

☞ **ITEM 5 - Add *§503.4 Accessory Solar Energy Systems* to §503 (Accessory Uses and Structures) to read as follows:**

503.4 Accessory Solar Energy Systems (ASES)

a. Districts, Standards, and Permit. ASESs are permitted in all districts only in compliance with this §503.4 and other applicable standards of this ordinance. A zoning permit for the installation of all ASESs is required.

b. Site Plan. A descriptive site plan shall be provided including, but not limited to, dimensioned setbacks, locations of property lines, roadways and driveways, location, and size of solar, modules and/or arrays, elevations and heights of buildings and structures, and location and detail of any proposed fencing.

c. Utility Notification. Evidence shall be provided that the electric utility company has been informed of the owner's and/or operator's intent to install such facility and its intended connection to the utility grid. A copy of the electric utility company's approval to connect to the utility grid shall be provided to the Township if secured at the time of the zoning permit application, but not later than the date the ASES begins operation.

d. State and Federal Permits. Copies of all necessary state and federal permits for the construction, installation, operation, and decommissioning of the ASES shall be provided if secured at time of zoning permit application, but not later than the date the ASES begins operation.

e. Standards and Certification. 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), or other similar certifying organizations, and shall comply with the PA Uniform Construction Code, and with all other applicable fire and life safety requirements. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters' Laboratories or other similar certifying organizations.

f. Maintenance. The ASES shall be maintained in good working order in accord with standards of the 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 the Township in accord with applicable law.

g. Excess Electricity. Accessory solar energy systems shall provide power for the principal use and/or accessory use of the property on which it is located and shall not be used for the generation of power for the sale of energy to other users. This provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.

h. Size Limitations.

1. Ground-mounted accessory solar energy systems with an output size of not greater than 10 kW shall be considered accessory solar energy systems. Any system greater than 10kW shall comply with §509.

2. Roof-mounted or wall-mounted accessory solar energy systems used primarily for on-site use per §503.4g shall have no limit as to power output.

i. 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 (including the height of the ASES) shall not extend by more than 3 feet above the maximum building height specified for principal or accessory buildings within the zoning district.

3. Wall-mounted ASES shall comply with the setbacks for principal and accessory structures in the zoning district and shall not extend more than 18 inches beyond the wall.

4. Roof-mounted solar panels shall not extend beyond any portion of the roof edge.

5. The applicant shall provide evidence that the plans comply with the Uniform Construction Code including that the roof or wall is capable of holding the load imposed on the structure.

j. Ground-Mounted Accessory Solar Energy Systems.

1. Setbacks. Ground-mounted ASESs shall comply with the accessory structure setbacks in the zoning district.

2. Height. Ground-mounted ASESs shall not exceed 15 feet in height above the surrounding ground elevation.

3. Lot Coverage. Seventy-five percent of the cumulative surface area of solar arrays, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

4. Stormwater Management. All water which drains from the ASES shall be retained on site. In addition, stormwater runoff shall be managed in accord with the requirements of the Franklin Township Stormwater Management Ordinance and the Franklin Township Subdivision and Land Development Ordinance.

5. Placement. Ground-mounted ASES shall not be placed in any legal easement or right-of-way, or in any stormwater 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.

k. Solar Glare

1. The 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.

2. 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.

l. Underground Lines. All on-site utility and connection lines, and plumbing shall be placed underground.

m. Safety. Appropriate safety/warning signs 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.

n. Decommissioning.

1. Each ASES and all solar related equipment shall be removed within 12 months of the date when the use has been discontinued or abandoned by the system owner and/or operator, or upon termination of the useful life of the system.

2. The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of six continuous months.

3. 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.

☞ **ITEM 6 - Add *§509 Solar energy facility* to Article V (Supplementary Regulations) to read as follows:**

Section 509 Solar Energy Facility
In addition to all applicable provisions of this ordinance, the following regulations shall apply to any solar energy facility (SEF) proposed to be constructed, installed, operated, or decommissioned, and to any upgrade, modification, or structural change that materially alters the size or placement of an existing SEF or its Solar Related Equipment. A SEF shall be permitted only in the districts as provided by the Use Regulations.

509.1 Purpose.

a. To address the installation of SEF in the Township and strike a balance between promoting renewable energy and avoiding areas designated for other uses critical to community and economic development.

b. To provide reasonable development standards to facilitate the installation while addressing potential community impacts.

c. To minimize utility grid infrastructure development costs by requiring SEF to be near substations with the capacity to accommodate the generated electricity.

d. To reduce traffic impacts by requiring SEF access to roads with adequate capacity.

509.2 Land Development.
All SEFs shall also meet the requirements of the Township Subdivision and Land Development Ordinance including, but not limited to, stormwater management requirements and other land development requirements.

509.3 Application Requirements.
In addition to the other requirements of this ordinance, the SEF owner and/or applicant of a ground-mounted or roof-mounted shall provide the following as part of the special exception application:

a. Site Plan. A descriptive site plan including, but not limited to, dimensioned setbacks, locations of property lines, roadways and driveways, location, and size of solar, modules and/or arrays, elevations and heights of buildings and structures, location and detail of perimeter fencing, and buffer and landscaping requirements.

b. Emergency Response Plan. The site plan shall incorporate a emergency response plan, including, but not limited to, location of hydrants and other on-site and off-site fire suppression and firefighting equipment, and a narrative of same shall be provided to the Township and the Franklin Township Volunteer Fire Company for review and comment. Upon request, the owner/operator shall cooperate with emergency services to develop and coordinate implementation of the emergency response.

c. Construction Transportation Plan. The application shall include a construction transportation plan that shows all roadways that will be used to access the site. The plan shall include details on road capacity, types and frequency of construction vehicles, and potential impacts on the roadway.

d. Utility Notification. Evidence that the electric utility company has been informed of the owner's and/or operator's intent to install such facility and its intended connection to the utility grid. A copy of the electric utility company's approval to connect to the utility grid shall be provided to the Township if secured at the time of special exception application, but not later than the date the SEF begins operation.

e. Permission to Apply. An affidavit or evidence of agreement between the property owner and SEF owner and/or operator confirming the SEF owner and/or operator has permission to apply for the special exception.

f. State and Federal Permits. Copies of all necessary state and federal permits for the construction, installation, operation, and decommissioning of the SEF and its solar energy system(s) shall be provided if secured at time of special exception application, but not later than the date the SEF begins operation.

g. Agency Documents. Copies of all studies, analyses, reports, certificates, and approvals required by all agencies shall be provided to the Township if secured at the time of special exception application, but not later than the date the SEF begins operation.

h. Decommissioning Plan. A decommissioning plan documenting compliance with §509.7.

i. Public Inquiries and Complaints. The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project, and the solar power facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

509.4 Development and Operation Requirements Applicable to All SEFs.
The following standards, without limitation, shall apply to all SEFs:

a. Standards and Certification. The SEF 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), or other similar certifying organizations, and shall comply with the PA Uniform Construction Code, and with all other applicable fire and life safety requirements. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters' Laboratories or other similar certifying organizations.

b. Access and Parking. Access roads and parking areas within the SEF shall comply with the Township Subdivision and Land Development Ordinance.

c. Contacts, Warnings, and Signs.

1. Contacts. The manufacturer's or installer's identification and contact information, emergency contact information and appropriate warning signage not greater than three square feet each, or the minimum square footage signage allowed by applicable code, state, or federal agency, shall be posted on the access gate and/or perimeter fencing as required by applicable regulations.

2. Warnings. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.

3. Advertising Signs. No advertising material or signs other than warning, manufacturer and equipment information or indication of ownership shall be allowed on any equipment of structures.

d. Utility Lines. All on-site utility lines shall be placed underground to the maximum extent possible taking into consideration site geology or other physical limitations. The special exception site plan and land development plan shall clearly depict where all underground and above-ground utility lines are proposed.

e. Solar Glare.

1. The 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.

2. The applicant shall provide details about anticipated glare from the facility, including the time of day, time of year and direction of peak glare periods, and document how potential nuisances to area properties and on public roads will be controlled.

3. 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.

f. Owner and Operator Changes. The Township shall be notified in writing within 30 days of a change in:

1. SEF ownership,
2. SEF operator, and/or
3. the owner of land upon which the SEF is located.

g. Emergency Contacts. The Township shall be provided with contact name(s), address(es), phone number(s) and emergency contact information. The SEF owner and/or operator shall maintain a phone number and identify the person responsible for the public to contact with inquiries and complaints throughout the life of the project and shall provide this number and name to the Township. The SEF owner and/or operator shall make timely and reasonable efforts to respond to the public's inquiries and complaints.

h. Shadows and/or Obstructions. Prior to the beginning of operation of the SEF, SEF owner or applicant must acknowledge in writing that permission to operate the SEF 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: (1) 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 (2) the right to prohibit the development on or growth of any trees or vegetation on such property.

i. Solar Easements. A copy of any solar easements obtained by the applicant and/or operator shall be provided to the Township.

j. Storage of Related Equipment. Solar related equipment and parts not in active operation on the SEF site shall be stored in an enclosed building and/or concealed within solid fencing inside the perimeter fence.

k. Lighting. The SEF shall not be artificially lit except to the extent required for safety or applicable federal, state, or local authority.

l. Communications Interference. The applicant shall document that the radio, television, telephone or reception of similar signals for nearby property shall not be disturbed or diminished, and if necessary, this shall be accomplished by remedial measures instituted by the developer.

m. Historic Structures. A SEF shall not be located within 250 feet of any structure listed on any public historic register.

n. Stray Voltage/Electric Magnetic Fields (EMF). The operator shall use good industry practices to minimize the impact, if any, of stray voltage or EMF.

o. Associated Use. All other uses ancillary to the facility (including a business office, maintenance depot, etc.) are prohibited from the facility unless otherwise permitted in the zoning district in which the facility is located. This shall not prohibit the installation, as accessory structures, of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the facility.

509.5 Additional Development and Operation Requirements Applicable to Ground-Mounted SEFs.
In addition to all other requirements of this §509, the following requirements, without limitation, shall apply to SEFs:

a. Ground-Mounted SEF Development Area. The SEF Development Area is the project area as shown, or as will be shown, on the land development plan which complies with this ordinance. If the project area as shown on the development plan, or which will be shown on the land development plan, is less than the entire parcel on which the SEF is located, the SEF development area does not include any other areas of said parcel.

b. Ground-Mounted SEF Solar Array Locations.

1. Ground-mounted solar Arrays may be located only on 75 percent of the total Class I and Class II agricultural soils within the SEF Development Area, unless the entire SEF Development Area will be devoted to Agrivoltaic activities, in which case 100 percent of the Class I and Class II soils may be included in the SEF Development Area. Soil classifications are from the U.S. Department of Agriculture, Natural Resource Conservation Service.

2. For each parcel on which a SEF or a component of a SEF is proposed, a site plan shall be provided by the applicant detailing the SEF Development Area as defined by §509.5a, the Class I and II agricultural soils, and the portion of the SEF Development Area that may be devoted to solar arrays.

3. Solar arrays shall only be placed within that portion of any lot that lies within the portion of the SEF Development Area that may be devoted to solar arrays.

4. Solar arrays shall not be located in:

   (a) Floodways, as identified in the FEMA FIRM mapping and any other flood prone areas restricted by Township floodplain regulations.

   (b) Regulated natural and manmade drainage corridors, extending 25 feet from the edge of any such drainage feature unless during the Special Exception proceedings, the Zoning Hearing Board determines a lesser setback would result in less impact from the overall project.

   (c) The area which extends 25 feet from any wetland unless other regulations require a larger buffer.

   (d) Slopes in excess of 15 percent unless during the Special Exception proceedings, the Zoning Hearing Board determines location in an area with slopes in excess of 15 percent would result in less impact from the overall project.

   (e) Wooded areas in excess of two acres primarily devoted to mature trees that would require removal of greater than 20 percent of the mature trees unless during the Special Exception proceedings, the Zoning Hearing Board determines greater tree removal would result in less impact from the overall project. For the purpose of this clause, bushes and shrubs are not considered trees.

   (f) Road or other rights-of-way or easements.

   (g) Stormwater management facilities.

   (h) The most restrictive setback areas as required by this ordinance.

c. Ground-Mounted SEF Fence.

   1. The SEF and its solar energy system(s), solar related equipment, principal and accessory buildings and structures, and parking facilities shall be enclosed by perimeter chain-link fencing, and/or other fencing required by state or federal agency, and access gate(s) at a height between eight and nine feet for the purpose of restricting unauthorized access.

   2. Such fencing shall be black poly-coated and shall not include barbed wire or similar product unless otherwise required by a state or federal agency.

   3. A Knox-type box shall be installed on all access gates for access by emergency responders.

d. Ground-Mounted SEF Landscaping and Buffers. Landscaping and buffers shall be provided in accord with §59 of the Township Subdivision and Land Development Ordinance and the following:

   1. Vegetative buffering shall be installed around the entire perimeter of the SEF installation, except where the Zoning Hearing Board determines that the retention of existing trees within the vegetative buffering area may constitute the required vegetative buffer or where the Zoning Hearing Board determines that the solar panels cannot be viewed from a public roadway or residential building.

   2. The vegetative buffering shall be installed along the exterior side of the fence. All required vegetative buffering shall be located within 50 feet of the required fence.

3. Vegetative buffering shall be designed to emulate the mix of native 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.

4. No less than 20 percent of vegetative buffering plantings shall be pollinator friendly species.

5. 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 36 months of the installation of the SEF. The minimum height of trees used for buffering shall be six feet at the time of planting.

6. 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 or existing residences on surrounding properties. Earthen berms may not be created to serve as a buffer.

7. The visibility of the 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 five percent of the SEF shall be visible in accordance with the measure of visibility set forth above.

8. The vegetative screening requirements of this section shall take into consideration the topography of the project relative to adjacent property. Where the topography of the project site is such that visibility of the project cannot be diminished by a vegetative buffer which will reach 15 feet in height at maturity, a vegetative buffer which will reach 15 feet in height at maturity shall satisfy the requirements of screening. The minimum height of trees used for buffering shall be six feet at the time of planting.

9. All plants shall be native seed mixes and non-invasive plant species, and a note on the SEF plan shall detail the type of grass and its maintenance to ensure continuous ground cover, soil stabilization and a minimized risk of a fire hazard.

e. Ground-Mounted SEF Interior Access and Ground Cover.

1. An area not less than 20 feet in width and planted and maintained with grass and/or other vegetation shall be located between the perimeter required fencing and all solar related equipment as a firebreak and for equipment access. An alternative method of providing SEF perimeter fire protection may be proposed by the SEF owner and/or operator and may be approved by the Zoning Hearing Board.

2. Spacing between solar array rows shall allow access for maintenance and emergency vehicles, and grass shall be planted and maintained below and between ground-mounted solar modules and/or arrays, except where access roads are provided.

f. Ground-Mounted SEF Lot Area

1. A-Agricultural District minimum lot area - 10 acres.

2. I - Industrial District minimum lot area - 10 acres.

g. Ground-Mounted SEF Minimum Setbacks from Property Lines and Street Rights-of-Way.

1. Perimeter fence setback - 25 feet.

2. Solar array and mounting equipment minimum setback.

   (a) A-Agricultural District solar array and mounting equipment minimum setback - 75 feet.

   (b) I - Industrial District solar array and mounting equipment minimum setback - 50 feet.

3. No lot line setback will be required where there is a grouping of two or more SEF which are held by a common owner or leased to a common lessee and which are part of a single solar energy production development project, where each landowner has provided a written waiver of the lot line setback.

h. Ground-Mounted SEF Maximum Height

1. All ground-mounted solar panels shall not exceed 15 feet in height.

2. All other SEF components shall comply with the underlying district maximum height requirement.

3. There is no maximum height restriction for structures that support solar facility connections and solar project connections.

i. Ground-Mounted SEF Maximum Lot Coverage.

1. Lot coverage for SEF shall not exceed 50 percent of the total parcel owned or leased by the project developer.

2. Seventy-five percent of the cumulative surface area of solar arrays, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

j. Ground-Mounted SEF Stormwater Management.

1. Township Ordinances. Stormwater runoff shall be managed in accord with the requirements of the Franklin Township Stormwater Management Ordinance and the Franklin Township Subdivision and Land Development Ordinance and the following:

2. Disconnected Impervious Area. 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) by the PA DEP 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 all of the following conditions apply.

   (a) The natural vegetative cover is preserved and/or restored using low impact construction techniques from the PA DEP Stormwater Best Management Practices Manual, including but not limited to, minimizing the total disturbed area, minimizing soil compaction in disturbed areas, and revegetating and re-foresting disturbed areas using native species.

(b) The vegetative cover has a minimum uniform 70 percent perennial vegetative cover with a density capable of resisting accelerated erosion and sedimentation.

(1) For panels located on slopes of zero to 15 percent a minimum four-inch height of vegetative cover shall be maintained.

(2) Panels located on slopes greater than 15 percent shall not be considered DIA.

(3) 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 accord with an approved erosion and sediment control plan.

(4) Agrivoltaics may be used provided that:

[a] Only shade tolerant crops may be used.

[b] Crops must be of a no-till variety.

[c] 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.

[d] Any grazing, cutting or mowing of the agricultural crop is limited to a height of no less than 4 inches.

[e] Application of chemical fertilization or herbicides/ pesticides is limited to the agronomic needs of the crop(s).

[f] If the property will be used for the grazing of livestock, a manure management plan shall be developed.

(c) The solar panels within a solar array are arranged in a fashion that:

(1) Allows the passage of runoff between each solar panel, thereby minimizing the creation of concentrated runoff.

(2) Allows for the growth of vegetation beneath the panel and between the Solar Arrays.

3. Non-DIA Considered Impervious Area for Stormwater Management. 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 for stormwater management. 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.

(a) 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.

(b) All impervious areas associated with the SEF such as roadways and support buildings cannot be considered a DIA and shall follow normal protocols when performing the PCSM stormwater analysis.

509.6 Roof-Mounted and Wall-Mounted SEFs.
In any zoning district, roof-mounted and wall-mounted SEFs shall be allowed on any permitted building in accord with the following requirements:

a. UCC Compliance. The applicant shall document compliance with the Uniform Construction Code including that the roof/wall is capable of holding the load imposed on the structure.

b. Application. The SEF applications shall include on the required plan horizontal and vertical elevation drawings that show the location and height of the SEF on the building and the dimensions of the SEF.

c. Height. The SEF shall not extend more than three feet above the maximum building height specified for the zoning district.

d. Setbacks. Wall-mounted SEFs shall comply with the required setbacks for the zoning district.

e. Roof Edge. Roof-mounted solar panels shall not extend beyond any portion of the roof edge.

509.7 Decommissioning of SEFs
Decommissioning of all SEFs and any associated solar energy system(s) shall comply with the following, without limitation:

a. Notification of Township. If a SEF or any of its solar energy system(s) have not been in operation for a period of six consecutive months, the SEF owner or operator shall notify the Township in writing with the reason(s) for inoperability and their intentions to reestablish operations or plans for decommissioning. The SEF owner or operator is required to notify the Township immediately upon cessation or abandonment of the operation. The SEF or one or more of its solar energy systems shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of 12 continuous months.

b. Twelve Months Removal. The SEF owner and/or operator shall have 12 months from cessation or abandonment 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 from the property.

c. Engineer Decommissioning Costs. An independent and certified Pennsylvania professional engineer shall be retained by the SEF owner or operator to estimate the total cost of decommissioning without regard to salvage value of the SEF solar related equipment. Said estimates shall be submitted to the Township prior to Special Exception approval of the SEF and every fifth year following such Special Exception approval of the SEF. Every fifth year following Special Exception approval of the SEF, the amount of the Financial Security shall be reset in accordance with such estimates, but in no event shall the amount of the Financial Security be reduced. All such estimates must be approved by the Township Engineer.

d. Decommissioning Financial Security. Prior to the initiation of the operation of the SEF, the SEF owner/ operator, shall provide Financial Security as defined in §201.4 with the Township in the amount established under § 509.7(c) above to insure decommissioning and re-vegetation as set forth herein. The Financial Security shall remain in place for as long as the SEF or its solar energy system(s) exist at the site and until restoration of the site is satisfactorily completed. The SEF owner or operator shall be responsible for having

the Financial Security certificate holder describe the status of the bond or letter of credit in an annual report submitted to the Township. The financial security shall not be subject to revocation, reduction, or termination unless and until approved by the Board of Supervisors based upon the Township Engineer's and Solicitor's recommendation that decommissioning and re-vegetation have been satisfactorily completed.

e. Landowner Responsibility. If the SEF owner or operator of its solar energy system(s) fails to complete decommissioning and re-vegetation within the time period stated herein, then decommissioning and re-vegetation in accordance with this ordinance shall become the responsibility of the landowner. The responsibility for decommissioning in accord with §509.7 shall be evidenced by a recorded document acceptable to the Board of Supervisors.

f. Township Intervention. If neither the SEF owner or operator, nor the landowner completes decommissioning and re-vegetation within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning and re-vegetation.

The Township or its employees, may complete the decommissioning and re-vegetation or have such work completed by an independent contractor. The Township may award contracts for such work, with or without bidding. The SEF owner, operator, and landowner, shall be jointly and severally responsible to pay for all such work performed or contracted for by the Township. In addition to exercising its rights under the financial security to pay for such work the Township may institute appropriate legal actions against the SEF owner, operator, and/or landowner to recover the costs of decommissioning and re-vegetation; the Township may institute appropriate equitable actions against the SEF owner, operator, and/or landowner, seeking equitable remedies, including injunctive relief; and the Township may file a municipal claim or municipal claims for any costs expended by the Township for such work. The Township's rights and remedies hereunder are in addition to, not exclusive of, any rights or remedies otherwise available under law or equity.

g. Decommissioning Conditions. If the SEF owner or operator ceases operation of the facility or any of its solar energy system(s), or begins, but does not complete, construction of the project, the SEF owner and/or operator shall restore the site to its condition prior to any disturbance related to the SEF facility. The site shall be restored to a useful, nonhazardous condition, including but not limited to the following:

1. Removal of aboveground and underground equipment, structures, and foundations to a depth of at least four feet below grade.

2. Restoration of the surface grade and soil after removal of aboveground structures and equipment.

3. Removal of graveled areas, access drives and aprons, and buffers/landscaping unless otherwise directed in writing by the landowner.

4. Removal of graveled areas and access drives and aprons unless directed in writing by the landowner.

5. Revegetation of restored soil areas with native seed mixes and non-invasive plant species.

6. For any part of the SEF project on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates, or buildings in place or regarding restoration of agricultural crops or forest resource land.

REPEALER
All Ordinances or parts of ordinances which are inconsistent herewith are hereby repealed, but only to the extent of such inconsistency.

SEVERABILITY
If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of Franklin Township that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

EFFECTIVE DATE
This Ordinance shall become effective five days following adoption.

ENACTED AND ORDAINED into law by the Board of Supervisors of Franklin Township, Carbon County, Pennsylvania, this 3 Day of December, 2024.

Fred Kemmerer, Jr., Chairman

Robin D. Cressley, Vice-Chairman

Leroy Kemmerer, Jr., Supervisor

ATTEST: Brenda E. Cressley
Brenda E. Cressly, Secretary-Treasurer