

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 131 ENTITLED "ZONING" OF THE WASHINGTON TOWNSHIP CODE OF ORDINANCES BY SUPPLEMENTING SECTION 131-7 ENTITLED "DEFINITIONS", OF ARTICLE II, ENTITLED "DEFINITIONS AND WORD USAGE" TO ESTABLISH THE DEFINITIONS OF "ALTERNATIVE ENERGY SYSTEM", "SOLAR ENERGY SYSTEM", AND "WIND ENERGY SYSTEM"; TO ESTABLISH ALTERNATIVE ENERGY SYSTEMS AS A PERMITTED ACCESSORY USE BY AMENDING SUBSECTION A.(5), OF SECTION 131.14 ENTITLED "PERMITTED USES" OF ARTICLE IV, ENTITLED "A AGRICULTURAL DISTRICT", SUBSECTION A.(5) OF SECTION 131.17 ENTITLED "PERMITTED USES", OF ARTICLE V, ENTITLED "WCS WATERSHED CONSERVATION DISTRICT SUBSECTION A.(5), OF SECTION 131.21 ENTITLED "PERMITTED USES", OF ARTICLE VI, ENTITLED "R-1 RURAL RESIDENTIAL DISTRICT", SUBSECTION A.(5), OF SECTION 131.24 ENTITLED "PERMITTED USES", OF ARTICLE VII, ENTITLED "R-2 SUBURBAN RESIDENTIAL DISTRICT", SUBSECTION A.(1)(F), OF SECTION 131.27, ENTITLED "PERMITTED USES", OF ARTICLE VIII, ENTITLED "HDV HIGH-DENSITY RESIDENTIAL AND VILLAGE DISTRICT", SUBSECTION A(1)(J) AND ADDING A.(1)(K), OF SECTION 131.31, ENTITLED "PERMITTED USES", OF ARTICLE IX, ENTITLED "C COMMERCIAL DISTRICT", SUBSECTION A.(9), OF SECTION 131.36, ENTITLED "PERMITTED USES", OF ARTICLE X, ENTITLED "LI LIGHT INDUSTRIAL DISTRICT", SUBSECTION A.(7), OF SECTION 131.40, ENTITLED "PERMITTED USES", OF ARTICLE XI, ENTITLED "GI GENERAL INDUSTRIAL DISTRICT"; TO ESTABLISH SUPPLEMENTARY REGULATIONS FOR ALTERNATIVE ENERGY SYSTEMS INCLUDING PURPOSE, APPLICABLE ZONING DISTRICTS, GENERAL CONDITIONS APPLICABLE TO ALL ALTERNATIVE ENERGY SYSTEMS, CONDITIONS APPLICABLE TO SOLAR ENERGY SYSTEMS, AND CONDITIONS APPLICABLE TO WIND ENERGY SYSTEMS BY AMENDING ARTICLE XV ENTITLED, "SUPPLEMENTARY REGULATIONS", "SECTION 131-70 ENTITLED ACCESSORY USES AND STRUCTURES" BY ADDING "G. ALTERNATIVE ENERGY SYSTEMS"; AND DELETING ARTICLE XXIV, ENTITLED "ALTERNATIVE ENERGY SYSTEMS OVERLAY DISTRICT"

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Township of Washington, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. Article XXIV, entitled "Alternative Energy Systems Overlay District", of Chapter 131, entitled "Zoning", of the Washington Township Code of Ordinances is hereby deleted in its entirety.

SECTION 2. Section 131-7, entitled "Definitions", of Article II, entitled "Definitions and Word Usage", of Chapter 131, entitled "Zoning", of the Township of Washington Code of Ordinances is hereby supplemented by adding thereto the following new definitions in alphabetical order:

"ALTERNATIVE ENERGY SYSTEM - a system which provides alternative methods of generating energy including, but not limited to, electrical energy, which is not subject to regulation by the Pennsylvania Public Utility Commission. Alternative energy systems shall include, but shall not be limited to: solar energy systems and wind energy systems."

"SOLAR ENERGY SYSTEM - solar energy systems including solar collections, storage facilities, and distribution components, used for electricity production, water heating and space heating and cooling."

"WIND ENERGY SYSTEM - a system which includes a structure and associated mechanisms and supporting components which are installed above ground for the purpose of generating electrical energy, and may include, but not limited to, wind driven turbines and windmills."

SECTION 3. Subsection A.(5) of Section 131.14, entitled "Permitted uses", of Article IV, entitled "A Agricultural District", of Chapter 131, entitled "Zoning", of the Washington Township Code of Ordinances is hereby amended in its entirety so as to hereafter read as follows:

"(5) Uses customarily accessory to the above uses, including but not necessarily limited to private garages and parking areas; signs in conformance with § 131-78; accessory uses set forth and in conformance with § 131-70; and such other accessory uses as may be further regulated by this chapter or other regulations of the Township."

SECTION 4. Subsection A.(5) of Section 131.17, entitled "Permitted uses", of Article V, entitled "WCS Watershed Conservation District", of Chapter 131, entitled "Zoning", of the Washington Township Code of Ordinances is hereby amended in its entirety so as to hereafter read as follows:

"(5) Uses customarily accessory to the above uses, including but not necessarily limited to private garages and parking areas; signs in conformance with

§ 131-78; accessory uses set forth and in conformance with § 131-70; and such other accessory uses as may be further regulated by this chapter or other regulations of the Township."

SECTION 5. Subsection A.(5) of Section 131.21 entitled "Permitted uses", of Article VI, entitled "R-1 Rural Residential District", of Chapter 131, entitled "Zoning", of the Washington Township Code of Ordinances is hereby amended in its entirety so as to hereafter read as follows:

"(5) Uses customarily accessory to the above uses, including but not necessarily limited to private garages and parking areas; signs in conformance with § 131-78; accessory uses set forth and in conformance with § 131-70; and such other accessory uses as may be further regulated by this chapter or other regulations of the Township."

SECTION 6. Subsection A.(5) of Section 131.24 entitled "Permitted uses", of Article VII, entitled "R-2 Suburban Residential District", of Chapter 131, entitled "Zoning", of the Washington Township Code of Ordinances is hereby amended in its entirety so as to hereafter read as follows:

"(5) Uses customarily accessory to the above uses, including but not necessarily limited to private garages and parking areas; signs in conformance with § 131-78; accessory uses set forth and in conformance with § 131-70; and such other accessory uses as may be further regulated by this chapter or other regulations of the Township."

SECTION 7. Subsection A.(1)(f) of Section 131.27 entitled "Permitted uses", of Article VIII, entitled "HDV High-Density Residential and Village District", of Chapter 131, entitled "Zoning", of the Washington Township Code of Ordinances is hereby amended in its entirety so as to hereafter read as follows:

"(f) Uses customarily accessory to the above uses, including but not necessarily limited to private garages and parking areas; signs in conformance with § 131-78; accessory uses set forth and in conformance with § 131-70; and such other accessory uses as may be further regulated by this chapter or other regulations of the Township."

SECTION 8. Subsection A.(1)(j) of Section 131.31 entitled "Permitted uses", of Article IX, entitled "C Commercial District", of Chapter 131, entitled "Zoning", of the Washington Township Code of Ordinances is hereby amended in its entirety and A.(1) (k) is added so as to hereafter read as follows:

"(j) Uses customarily accessory to any of the above uses, including

signs in conformance with § 131-78; and Alternative Energy Systems in conformance with § 131-70. G.

(k) Other accessory uses and structures necessary for the conduct of any use by right when located upon the same lot as the principal use."

SECTION 9. Subsection A.(9), of Section 131.36, entitled "Permitted uses", of Article X, entitled "LI Light Industrial District", of Chapter 131, entitled "Zoning", of the Washington Township Code of Ordinances is hereby amended in its entirety so as to hereafter read as follows:

"(9) Uses customarily accessory to any of the uses by right, including, but not necessarily limited to the following:

- (a) A single dwelling unit for a caretaker or watchman.
- (b) Signs in conformance with § 131-78 of this chapter.
- (c) Retail sales of goods produced on the premises.
- (d) Facilities for the exclusive use of the employees of a use by right, including child-care facilities, recreational areas and facilities and cafeterias or restaurants.
- (e) Alternative Energy Systems in conformance with § 131-70. G. of this chapter.
- (f) Other accessory uses and structures necessary for the conduct of any use by right when located upon the same lot as the principal use."

SECTION 10. Subsection A.(7), of Section 131.40, entitled "Permitted uses", of Article XI, entitled "GI General Industrial District", of Chapter 131, entitled "Zoning", of the Washington Township Code of Ordinances is hereby amended in its entirety so as to hereafter read as follows:

"(7) Uses customarily accessory to any of the uses by right, including, but not necessarily limited to the following:

- (a) Retail sale of products manufactured on the premises.
- (b) Signs in conformance with § 131-78 of this chapter.
- (c) Facilities for the exclusive use of the employees of a use by

right, including child-care facilities, recreational areas and facilities and cafeterias or restaurants.

(d) Guard houses for security personnel.

(e) Alternative Energy Systems in conformance with § 131-70. G. of this chapter.

(f) Other accessory uses and structures necessary for the conduct of any use by right when located upon the same lot as the principal use."

SECTION 11. Section 131-70 entitled "Accessory Uses and Structures", of Article XV, entitled "Supplementary Regulations", of Chapter 131, entitled "Zoning", of the Township of Washington Code of Ordinances is hereby amended by adding thereto the following new section:

"131-70. G. Alternative Energy Systems.

(1) Purpose.

The purpose of this Section is to provide for the safe and orderly location and construction of Alternative Energy Systems in the Township of Washington. For purposes of this Section, Alternative Energy Systems shall include: solar energy systems and wind energy systems.

(2) Applicable zoning districts.

Alternative Energy Systems shall be permitted as an accessory use within all zoning districts of the Township subject to the regulations and conditions contained within this Section.

(3) General conditions applicable to all Alternative Energy Systems.

(a) Compliance with Other Regulations. All Alternative Energy Systems shall comply with all applicable federal, state, and Township statutes, regulations, and ordinances, including but not limited to, construction and electrical codes, and the National Electrical Code. Prior to the issuance of a building and/or zoning permit for installation of an Alternative Energy System, the applicant must submit to the Township all documentation required by the Township Building Code Official to verify that the design of the device complies with the Pennsylvania Uniform Construction Code, including, but not limited to, documentation of the structural integrity of the structure(s) and electrical design. Design

information must be certified by a licensed professional engineer in the Commonwealth of Pennsylvania.

(b) Noise. The noise standards for Alternative Energy Systems shall not exceed sixty (60) decibels, as measured at the exterior of any occupied building on a non-participating landowner's property. Manufacturer's data may be used as proof of product's noise output. Measurement of the noise output will be the responsibility of the non-participating landowner if in disagreement with the manufacturer's data.

(c) Abandonment. An Alternative Energy System that has been abandoned (meaning not having been in operation for a period exceeding six (6) months) or is defective or that is deemed to be unsafe by the Township Building Code Official shall be required to be repaired by the owner to meet federal, state, and local safety standards, or be removed by the property owner within the time period allowed by the Township's Building Code Official. If the owner fails to remove or repair the defective or abandoned Alternative Energy System, the Township may pursue a legal action to have the system removed at the owner's expense.

(d) Limitation. Power generated by an Alternative Energy System shall be solely for use on the property on which the Alternative Energy System is located.

(e) Plan. Prior to the erection of any Alternative Energy System within the Township, a plot plan of the parcel in which the facility will be located shall be submitted, which identifies at a minimum: property lines, lot area, location of the proposed Alternative Energy System, and setback measurements from property and street lines.

4. Conditions applicable to Solar Energy Systems.

(a) Roof-Mounted Solar Energy Systems. Roof-mounted solar collectors and equipment used for the mounting or operation of such collectors are exempt from the height limitations of the zoning district in which the Solar Energy System is to be located.

(b) Setback. Apparatus necessary for the operation of a Solar Energy System, including overhangs, movable insulating walls and roof, and reflectors, may project into a required front, side or rear yard a maximum of fifty percent (50%) of the required yard dimension of the zoning district in which the Solar Energy System is to be located.

(c) Ground-Mounted Solar Energy Systems. Detached, ground-mounted solar collectors shall be considered permissible accessory structure in all zoning districts, but they shall not be included in computing lot coverage.

(d) Utility Lines. All utility lines, including electrical wires, and the grounding wires, must be installed underground in accordance with the prevailing standards of the servicing utility company.

5. Conditions applicable to Wind Energy Systems.

(a) Setbacks. A Wind Energy System shall be located no less than 1.1 times the total height of the device from a front, side or rear property line. Furthermore, no Wind Energy System shall be located within 1.1 times the total height of the device from overhead utility lines, nearest street right-of-way lines or another Wind Energy System located on the same property.

(b) Location. A Wind Energy System may be located within front, side or rear yards.

(c) Limitation. Multiple systems are permitted with the condition that the power generated by the systems shall be solely for use on the property on which the systems are located.

(d) Maximum Height. The maximum height of any Wind Energy System located with the Township of Washington, including all moving and rotating parts, shall be one hundred (100) feet, measured from the undisturbed ground elevation at the base of the device, to the highest point of the arc of the blade or to the top of the tower, whichever is greater. (If a device is attached to an existing structure, than the maximum height of the attached wind energy device shall not exceed one hundred (100) feet, including the height of the existing structure).

(e) Ground Clearance. The minimum distance between the undisturbed ground at the base of the device and any protruding blade shall be twenty (20) feet, as measured at the lowest point of the arc of the blades.

(f) Location of Guy Wires. Guy wires, associated with any wind energy structure, shall not be closer than ten (10) feet from a front, side or rear property line.

(g) Access. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access. The Wind Energy System shall not provide steps or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground elevation at the base of the device.

(h) Lighting and Advertising. No artificial lighting, unless required by the Federal Aviation Administration, signage or any forms of advertising shall be utilized or attached to a Wind Energy System.

(i) Utility Lines. All utility lines, including electrical wires other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, must be installed underground in accordance with the prevailing standards of the servicing utility company."

SECTION 12. 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 provision, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included therein.

SECTION 13. Any and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 14. This Ordinance shall become effective five (5) days following the date of adoption.

SECTION 15. The Code of Ordinances, as amended, of the Township of Washington, Berks County, Pennsylvania, shall be and remain unchanged and in full effect except as amended, supplemented and/or modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances, as amended, of the Township of Washington, Berks County, Pennsylvania, upon adoption.

DULY ENACTED AND ORDAINED into law this _____ day of _____, 2010 by the Board of Supervisors of the Township of Washington, Berks County, Pennsylvania.

TOWNSHIP OF WASHINGTON
BOARD OF SUPERVISORS

Tonya M. Bauer, Chairperson

Ernest E. Gehman, Vice-Chairman

James P. Roma, Supervisor

ATTEST:

Jason S. Ganster, Secretary

(SEAL)