TOWNSHIP OF WASHINGTON
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024-1

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, BERKS COUNTY, PENNSYLVANIA, CHAPTER 131, TITLED "ZONING ORDINANCE," AMENDING THE CODE OF THE TOWNSHIP OF WASHINGTON BY ADDING TO ARTICLE II, TITLED "DEFINITIONS AND WORD USAGE," SECTION 131-7, TITLED "DEFINITIONS," DEFINITIONS OF "ACCESSORY SOLAR ENERGY SYSTEM," "AGROVOLTAICS," "GLARE," "PRINCIPAL SOLAR ENERGY SYSTEM," "SOLAR ARRAY," SOLAR ENERGY," AND "SOLAR PANELS"; AMENDING ARTICLE XV, TITLED "SUPPLEMENTARY REGULATIONS," SECTION 131-70, TITLED "ACCESSORY USES AND STRUCTURES," SUBSECTION G, TITLED "ALTERNATIVE ENERGY SYSTEMS," AS FOLLOWS: TO AMEND PARAGRAPH 1, TITLED "PURPOSE" TO CLARIFY THAT SUBSECTION "G" APPLIES TO "ACCESSORY SOLAR ENERGY SYSTEMS AND WIND ENERGY SYSTEMS"; TO AMEND PARAGRAPH 2, TITLED "APPLICABLE ZONING DISTRICTS," TO PROVIDE THAT ALTERNATIVE ENERGY SYSTEMS ARE PERMITTED AS AN ACCESSORY USE WITHIN ALL ZONING DISTRICTS IN THE TOWNSHIP EXCEPT OVERLAY DISTRICTS HAVING THE EFFECT OF RESTRICTING SUCH SYSTEMS; TO AMEND PARAGRAPH 3, TITLED "CONDITIONS APPLICABLE TO ALL ALTERNATIVE ENERGY SYSTEMS," SUBPARAGRAPH (c), TITLED "ABANDONMENT," TO STATE OWNER OBLIGATIONS AND TOWNSHIP REMEDIES FOR ABANDONMENT OF AN ALTERNATIVE ENERGY SYSTEM, TO AMEND SUBPARAGRAPH (d), TITLED "LIMITATION," TO PROVIDE THAT POWER GENERATED BY AN ALTERNATIVE ENERGY SYSTEM SHALL BE PRIMARILY FOR THE USE ON THE PROPERTY ON WHICH THE ALTERNATIVE ENERGY SYSTEM IS LOCATED, TO REPEAL AND REPLACE PARAGRAPH 4, TITLED "CONDITIONS APPLICABLE TO ACCESSORY SOLAR ENERGY SYSTEMS" TO ESTABLISH SPECIFIC STANDARDS AND REGULATE ACCESSORY SOLAR ENERGY SYSTEMS WITHIN THE TOWNSHIP; TO ADD AS NEW ARTICLE XXV, BE TITLED "PRINCIPAL SOLAR ENERGY SYSTEMS" TO PERMIT PRINCIPAL SOLAR ENERGY SYSTEMS AS A USE PERMITTED BY SPECIAL EXCEPTION IN THE FOLLOWING ZONING DISTRICTS: C-COMMERCIAL, LI-LIGHT INDUSTRIAL, GI-GENERAL INDUSTRIAL, Q-QUARRY, AND A-AGRICULTURE, TO PROVIDE FOR CONDITIONS APPLICABLE TO PRINCIPAL SOLAR ENERGY SYSTEMS; TO SET FORTH REQUIREMENTS FOR: DESIGN, INSTALLATION AND OPERATIONAL REGULATIONS, SUBMISSION REQUIREMENTS; REQUIRED CERTIFICATIONS AND INSPECTIONS; DECOMMISSIONING; AGROVOLTAICS, EASEMENTS, ZONING PERMIT; AND TO PROVIDE FOR SEVERABILITY, REPEALER, AND EFFECTIVE DATE OF THE ORDINANCE

SECTION 1: The Code of the Township of Washington, Chapter 131, titled "Zoning Ordinance," Article II, titled "Definitions and Word Usage," Section 131-7, titled "Definitions shall be amended to add the following definitions:

ACCESSORY SOLAR ENERGY SYSTEM (ASES) - An alternative energy system consisting of any solar collector, solar energy device, or any structural design feature mounted on a principal building, accessory building, or on the ground, and whose primary purpose is the collection of solar energy to generate electricity, or otherwise convert solar energy into mechanical energy for space heating or cooling, or for water heating for the primary purpose of reducing on-site consumption of purchased power.

AGROVOLTAICS (A/K/A/ "AGROPHOTOVOLTAICS" OR "AGRISOLAR") - The simultaneous use of areas of land for both solar voltaic power generation and agriculture, including the growing of crops for food, clothing, or commercial or industrial use in the shade of solar panels.

GLARE - The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

PRINCIPAL SOLAR ENERGY SYSTEM (PSES) - An alternative energy system consisting of ground mounted solar collection devices and solar energy related equipment to generate electricity or otherwise convert solar energy into mechanical or other forms of energy for the primary purpose of using the energy for commercial or other off-site use or a system existing solely to generate energy for sale back into the energy grid system, rather than being consumed on site.

SOLAR ARRAY – A group of photovoltaic solar panels or cells that convert sunlight into electricity, arranged and linked in such a way as to operate as a single unit. The term also refers to a similar set of reflecting mirrors used for directing and focusing sunlight onto such a group of photovoltaic units.

SOLAR ENERGY - The radiant energy (direct, diffuse and reflected) received from the sun.

SOLAR PANELS – A structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a Solar Energy System.

For terms not specifically defined herein, the definitions shall be those contained in the most recent Washington Township Zoning Ordinance.

SECTION 2. The Code of the Township of Washington, Chapter 131, titled "Zoning Ordinance," Article XV, titled "Supplementary Regulations," Section 131-70, titled "Accessory Uses and Structures, Subsection G, titled, "Alternative Energy Systems," Paragraph 1, titled "Purpose" shall be amended to read as follows:

(1) Purpose. The purpose of this Subsection G is to provide for the safe and orderly location and construction of alternative energy systems in the Township of Washington. For purposes of this subsection, alternative energy systems shall include accessory solar energy systems and wind energy systems.

SECTION 3. The Code of the Township of Washington, Chapter 131, titled "Zoning Ordinance," Article XV, titled "Supplementary Regulations," Section 131-70, titled "Accessory Uses and Structures, Subsection G, titled, "Alternative Energy Systems," Paragraph 2, titled "Applicable Zoning Districts," shall be amended to read as follows:

(2) Applicable zoning districts. Alternative energy systems shall be permitted as an accessory use within all zoning districts of the Township, other than overlay districts with regulations having the effect of restriction of alternative energy systems.

SECTION 4. The Code of the Township of Washington, Chapter 131, titled "Zoning Ordinance," Article XV, titled "Supplementary Regulations," Section 131-70, titled "Accessory Uses and Structures, Subsection G, titled, "Alternative Energy Systems," Paragraph 3, titled "General conditions applicable to all alternative energy systems", Subparagraph (c), titled "Abandonment" and (d), titled "Limitation," shall be amended to read as follows:

(c) Abandonment. An alternative energy system that has been abandoned (meaning inoperable for a period exceeding six months) or is defective or that is deemed to be unsafe by the Township Building Code Official shall 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, including restoration of impacted ground to its predevelopment condition, and including seeding where applicable. If the owner fails to remove or repair the defective or abandoned alterative energy system, the Township may pursue legal action, including but not limited to action to have the system removed at the owner's expense.

(d) Limitation. Power generated by an alternative energy system shall be primarily for use on the property on which the alternative energy system is located.

SECTION 5. The Code of the Township of Washington, Chapter 131, titled "Zoning Ordinance," Article XV, titled "Supplementary Regulations," Section 131-70, titled "Accessory Uses and Structures, Subsection G, titled, "Alternative Energy Systems, Paragraph 4, titled "Conditions Applicable to Solar Energy Systems," shall be amended as follows:

Article XV. Supplementary Regulations

§ 131-70. Accessory uses and structures

* * *

G. Alternative energy systems.

* * *

4. Conditions applicable to Accessory Solar Energy Systems (ASES).

(a) Applicability. This ordinance applies to any ASES to be installed and constructed after the effective date of the ordinance, and all applications for any ASES for erection on existing structures or property. Any ASES constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance. Any upgrade, modification or structural change that materially alters the size or placement of an existing ASES shall comply with the provisions of this Ordinance.

(b) Ground-mounted ASES. Detached, ground-mounted solar collectors shall be considered permissible accessory structures in all zoning districts (unless limited or precluded by overlay district regulations or other district regulations), but they shall not be included in calculating lot coverage.

(c) Design and Installation for ASES.

i. An ASES may be roof-mounted, ground-mounted, or pole-mounted as set forth herein. A roof-mounted system may be installed on a principal or accessory building as defined by the Zoning Ordinance.

ii. The placement of all features and system components constituting the ASES shall comply with the principal building setback, height, and other bulk requirements of the applicable underlying zoning district. Detached, ground-mounted solar collectors shall not be included in calculating lot coverage. If this Section conflicts with a greater standard elsewhere in this Ordinance, the greater of the standards shall apply.

iii. No component of a ground-mounted system may be located within the front yard setback as specified for each Zoning District.

iv. An ASES shall provide power for the principal use of the Property on which it is located and shall not be used primarily for the generation of power for the sale of energy to other users.

v. ASES roof-mounted systems shall not extend beyond the roof edge in any direction, nor above the ridgeline of any sloped roof to which the system is attached. ASES ground mounted systems shall not exceed twelve feet (12') in height.

vi. The maximum permitted area for a roof-mounted ASES, which is the combined surface area of all individual solar panels constituting the system, shall not exceed the area of the roof of the building on which the ASES is located. The maximum permitted area for a ground-

mounted ASES shall not exceed two thousand square feet (2,000 sq. ft.).

vii. For ground-mounted systems, all utilities, lines, cable, wires, plumbing pipes, and other connections of, to, or from the system and any related structure shall be at or below grade and placed in conduits.

viii. The system shall be installed in compliance with the most current building and construction code requirements adopted by the Township. ASES ground mounted systems shall be placed and configured in compliance with the Chapter 99 of the Code of Washington Township, known as the "Washington Township Stormwater Management Ordinance, regulations then in effect from the Pennsylvania Department of Environmental Protection (DEP), and DEP guidance on stormwater management for solar energy systems. titled "Chapter 102 Permitting for Solar Farms – Frequently Asked Questions (dated April 30, 2021), which is attached hereto as Appendix "A," and incorporated herein.

ix. The design, installation, and operation of any ASES shall comply with all applicable federal, state, and local laws and regulations, including but not limited to building, construction, fire and life safety requirements and conform to the applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), and other similar certifying organizations.

x. Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the applicable statutes, codes, ordinances, and regulations 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 accordance with applicable ordinances.

xi. An ASES shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturer's or installer's identification and any appropriate warning signs and placards may be displayed on the system provided they comply with the Township's sign regulations.

(e) Multiple Solar Energy Systems. In the event that a property owner seeks to install more than one roof mounted or ground mounted solar energy system, the second or subsequent apparatus shall follow the same process as stated above.

(g) Agrovoltaics. Agrovoltaics is permitted in conjunction with an ASES beneath and in close proximity to the system.

(h) Easements. On new site development plans that propose to provide for one or more ASESs, the Board of Supervisors shall require, prior to the approval of the plan, a notation on the plan of any restrictions and/or easements have been placed on the lots in question concerning the placement of structures and vegetation, and access by third parties for purposes of maintenance as they related to the proposed ASES.

(i) Zoning Permit. A zoning permit shall be required prior to commencement of construction of any ASES. All zoning permits issued for an ASES shall contain the following statement:

> "The issuance of this permit by Washington Township does not create any right to remain free of shadows and/or obstructions caused by development of adjacent or adjoining properties or growth of trees or vegetation on such properties. It is the sole responsibility of the Solar Energy System owner to obtain any solar easement necessary to guarantee unobstructed solar access by agreement with adjacent property owners. This limitation runs with the land and is binding on all successors and assigns."

SECTION 6. The Code of Ordinances of the Township of Washington shall be amended to add Article XXV, titled "Principal Solar Energy Systems," to read as follows:

§ 131-135. Principal Solar Energy Systems (PSES) Permitted

(a) Special Exception. A PSES shall be permitted as a Special Exception within the C Commercial District, LI Light Industrial District, GI General Industrial District, Q- Quarry District, and A-Agricultural District, all in accordance with the provisions of this Ordinance.

§131-136. Conditions Applicable to Principal Solar Energy Systems (PSES).

(a) The placement of all features and system components constituting the PSES shall comply with the principal building setback of the applicable underlying zoning district. If this Section conflicts with a greater standard elsewhere in this Ordinance, the greater of the standards shall apply.

(b) The minimum lot size for installation of a PSES shall be five (5) acres, with the maximum area of the tract utilized for the PSES, meaning the total area of solar panels, equipment, roads or paths, and other items affixed to the

ground which are a part of or used in the operations of the PSES, not to exceed of fifty percent (50%) of gross tract area

(c) PSES ground-mounted systems shall not exceed sixteen (16) feet in height above the ground at maximum tilt. Buildings associated with the system shall comply with the maximum building height requirements of the district in which the system is to be located.

(d) A lot where a PSES is proposed to be constructed may contain an existing or proposed single-family dwelling. In this very specific case, the PSES shall be considered an accessory use; however, the regulations of this Ordinance shall apply.

(e) The PSES shall be enclosed with a chain-link fence at least eight (8') feet tall and having self-locking gates.

(f) Installation of a PSES shall require submission of a Land Development Plan to the Township that shall comply with all applicable sections of Chapter 107 of the Code of Township of Washington, titled "Washington Township Subdivision and Land Development Ordinance." The PSES shall be in compliance with Chapter 99 of the Code of Ordinances of the Township of Washington, titled "Washington Township Stormwater Management Ordinance." and regulations then in effect from DEP, Portions of the PSES project area may be treated as pervious provided that the developer follows all guidelines in the DEP guidance document on stormwater management for solar energy systems titled "Chapter 102 Permitting for Solar Farms – Frequently Asked Questions (dated April 30, 2021), which is attached hereto as Appendix "A," and incorporated herein.

(g) Landscape screening shall be installed between the property line and required fence that abuts a residential district or use, or is located across a public or private road from a residential use or residential zoning district. Said screening shall include two staggered rows of evergreen trees, a minimum of six (6') feet tall at the time of planting, placed fifteen (15') feet on center.

(h) In the C-Commercial Zoning District, PSES shall not be permitted for any property with frontage along SR 100.

(i) No more than twenty percent (20%) of the entire area for development shall consist of Prime Agricultural Soils, as described in Appendix "A" to this Chapter, 131 Attachment 1, unless agrovoltaic production will be used, in which case the area for agrovoltaic production will not count as part of the 20% allowed development.

(j) The PSES and related equipment shall not be located in:

i. Flood Hazard Areas, as identified in the FEMA FIRM mapping.

ii. Regulated natural and man-made drainage corridors, extending twenty-five (25) feet from the centerline of any such drainage feature,

iii. Wetlands and wetland buffer areas.

iv. Riparian buffers extending twenty-five (25) feet from any wetland or body of water,

v. Slopes in excess of fifteen percent (15%),

vi. Legal easements and rights-of-way.

vii. Setback areas, as defined herein or in the underlying zoning district,

(k) On wooded lots, the maximum area that may be cut and cleared for the installation of a PSES is thirty percent (30%) of the existing wooded areas of the lot.

131-137. Design, Installation, and Operational Regulations.

(a) It shall be the responsibility of the Owner of the system to design, install and operate any PSES in compliance with all applicable federal, state, and local laws, codes, and regulations and industry standards.

(b) The PSES shall have conspicuously and clearly labeled warning about voltage and other important electrical safety information upon all system components.

(c) All panels shall have an anti-reflective coating.

(d) The noise level for any PSES facilities shall be in compliance with the restrictions of the Township Ordinance for the Zoning District in which the PSES facility is located, and battery storage, inverters, transformers, and other mechanical equipment associated with the PSES facilities shall be located near the middle of the array.

(e) At a minimum, a twenty-four (24') feet wide access road must be provided from a state or township roadway into the site. The applicant shall be responsible for procuring any highway occupancy permits for access onto state highways required by the Pennsylvania Department of Transportation, or driveway permits from the Township for access onto

Township roads. At a minimum, a twenty (20') foot wide cartway shall be provided between solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles.

§ 131-138. Submission Requirements. An applicant proposing to construct and operate a PSES shall submit the following items to the Township:

(a) A Land Development Plan conforming with the requirements of the SALDO which must be approved by Township officials.

(b) A written project summary describing the project that shall include the system and any ancillary facilities; its approximate generating capacity, proposed locations, and the location of any new electric lines to and from the system and their off-site connection point(s) to the electric grid; the approximate number of panels to be installed, their type, height or range of heights, orientation, dimensions, and manufacturers information;

(c) A glare analysis report which shows that glare will not be projected onto any public street or any building on a property other than the property where the PSES is located.

(d) Public Inquiries/Complaints– The facility operator is required to maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints through the life of the project. The facility operator is required to make reasonable efforts to respond to the public's inquiries and complaints.

(e) Decommissioning - Documents related to decommissioning, as more fully described herein below, including by not limited to executed agreement(s), such as a participating landowner agreement between the Township and PSES Owner, operator and/or landowner requiring such owner, operator, and/or landowner to obtain and post financial security for decommissioning as described hereinbelow;

(f) Grid Connection and Net Metering Policies –The local utility provider shall be contacted by the applicant to determine any grid connection and net metering policies and such information shall be provided to the Township,

(g) Miscellaneous - Other relevant studies, reports, certifications, approvals, and agreements as may be reasonably requested by the Board of Supervisors to ensure compliance with this Ordinance, including but not limited to: an Operations Agreement to set forth operations and management parameters and policies, require continually updated/submitted contact information for the PSES owner/operator, and

mandate inspection protocol and emergency procedures; and a Construction/Deconstruction Mitigation plan.

§ 131-139. Required Certifications and Inspections.

(a) National and State Standards. The applicant shall place a statement on the plans submitted to the Township certifying that that all applicable manufacturers, Commonwealth of Pennsylvania and U.S. standards of the construction, operation, and maintenance of the proposed PSES have been/will be met.

(b) No PSES shall commence operation until the Township has certified in writing that the conditions of this Ordinance have been satisfied and the PSES has been constructed and installed in accordance with the approved plans and specifications.

(c) Local Emergency Services. The applicant shall provide a copy of the project summary to the local fire companies and the Township's fire safety consultant for their review and comment. Comments and recommendations from the above-mentioned individuals and/or entities shall be addressed by the applicant to the satisfaction of the Township in subsequent plan reviews. Upon the Township's request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an Emergency Response Plan for the PSES.

§ 131-140. Decommissioning.

(a) The PSES owner and operator shall, at their expense, complete decommissioning of the PSES within six (6) months after the end of its useful life, or the useful life of the panels, whichever comes first. The PSES and panels are presumed no longer useful when either fails to generate electricity for a continuous period of six (6) months.

(b) Decommissioning shall include removal of all panels, buildings, cabling, electrical, mechanical, and plumbing components, foundations, and any other associated facilities in their entirety whether above, on, or below ground. Stormwater facilities/Stormwater BMPs, and healthy landscaping shall remain undisturbed.

(c) Any earth disturbed during the removal of any components listed above shall be graded and re-seeded and mulched unless the landowner requests in writing that access roads or other land surface areas not be restored.

(d) An independent, certified professional engineer licensed to practice in the Commonwealth of Pennsylvania shall be retained to estimate the total cost of decommissioning (decommissioning costs), without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (net decommissioning costs). Said estimate shall be submitted to the Township prior to final approval of the Land Development Plan, after the first year of operation and every fifth year thereafter.

(e) The PSES owner or operator shall post and maintain Financial Security for Decommissioning in an amount equal to Net Decommissioning Costs (the "Financial Security for Decommissioning") before, or simultaneously with the Township's final approval of the Land Development Plan. At no point thereafter shall the Financial Security for Decommissioning be no less than twenty-five percent (25%) of Decommissioning Costs. The funds for the Financial Security for Decommissioning shall be posted and maintained with a bonding company, or Federal or Commonwealth charted lending institution chosen by the PSES owner, operator, or participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business with the Commonwealth and is approved by the Township.

(f) The Financial Security for Decommissioning may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee, or other form of financial assurance that may be acceptable to the Township.

(g) If the PSES owner or operator fails to complete decommissioning within the prescribed period, then the landowner shall have six (6) months to complete decommissioning.

(h) If neither the owner, operator, nor the landowner complete decommissioning with the herein prescribed periods, then the Township may take such measures as necessary to complete decommissioning through the use of the Financial Security for Decommissioning provided by the PSES owner or operator. The entry into and submission of evidence of a Participating Landowner Agreement to the Township shall constitute consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan at the sole expense of the PSES owner, operator and landowner.

(i) The escrow agent shall only release the Financial Security for Decommissioning to the PSES Owner or operator when such individual(s) demonstrate, and the Township concurs, that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

§ 131-140. Agrovoltaics. Agrovoltaics are permitted in conjunction with a PSES beneath and in close proximity to the system subject to the following:

(a) Only shade tolerant crops may be used.

(b) Crops must not be tilled in.

(c) A written erosion and sedimentation 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 cutting or mowing of the agricultural crop is limited to a height of not less than 4".

(e) Application of chemical fertilizers or herbicides/pesticides is limited to the agronomic needs of the crop.

§ 131-141. Easements. On new site development plans that propose to provide for Solar Energy Systems, the governing body of the municipality shall require, prior to the approval of the plan, a notation on the plan of any restrictions and/or easements have been placed on the lots in question concerning the placement of structures and vegetation, and access by third parties for purposes of maintenance as they related to the proposed Solar Energy System.

§ 131-142. Zoning Permit. A zoning permit shall be required prior to commencement of construction of any Solar Energy System. All zoning permits issued for a Solar Energy System shall contain the following statement:

> "The issuance of this permit by Washington Township does not create any right to remain free of shadows and/or obstructions caused by development of adjacent or adjoining properties or growth of trees or vegetation on such properties. It is the sole responsibility of the Solar Energy System owner to obtain any solar easement necessary to guarantee unobstructed solar access by agreement with adjacent property owners. This limitation runs with the land and is binding on all successors and assigns."

SECTION 7. Amendment to A-Agricultural District Regulations. Chapter 131 of the Code of Ordinances of the Township of Washington, titled the "Washington Township Zoning Ordinance," shall be amended to add PSES as a use permitted by Special Exception in the A-Agricultural District, amending Article IV of the Zoning Ordinance, titled "A-Agricultural District," Section 131-14, titled "Permitted Uses" as follows:

§131-14. Permitted Uses.

Structures may be erected, altered or used and a lot or premises may be used for any of the following purposes and no other:

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C. Use by Special Exception. The following use shall be permitted only upon the granting of a Special Exception by the Zoning Hearing Board in accordance with Section 131-105.B of this Chapter:

(1) Principal Solar Energy System (PSES) in compliance with Article XXV of this Chapter, titled "Principal Solar Energy Systems," and as may be further addressed in this Chapter or other regulations of the Township.

SECTION 8. Amendment to C-Commercial District Regulations. Chapter 131 of the Code of Ordinances of the Township of Washington, titled the "Washington Township Zoning Ordinance," shall be amended to add PSES as a use permitted by Special Exception in the C- Commercial District, amending Article IX of the Zoning Ordinance, titled "C- Commercial District," Section 131-31, titled "Permitted Uses" as follows:

§131-31. Permitted Uses.

Structures may be erected, altered or used and a lot or premises may be used for any of the following purposes and no other:

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A. A building or combination of buildings (including shopping centers) may be erected or used and a lot area may be used or occupied for any one or combination of the following purposes and no others:

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(2) Uses by special exception. Uses by special exception shall be as follows:

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(g) Principal Solar Energy System (PSES) in compliance with Article XXV of this Chapter, titled

"Principal Solar Energy Systems," and as may be further addressed in this Chapter or other regulations of the Township.

SECTION 9. Amendment to LI-Light Industrial District Regulations. Chapter 131 of the Code of Ordinances of the Township of Washington, titled the "Washington Township Zoning Ordinance," shall be amended to add PSES as a use permitted by Special Exception in the LI- Light Industrial District, amending Article X of the Zoning Ordinance, titled "LI- Light Industrial District," Section 131-36, titled "Permitted Uses" as follows:

§131-36. Permitted Uses.

All uses within this district (except for off-street parking and loading areas and Principal Solar Energy Systems) shall be carried on within a completely enclosed building. Outdoor storage is prohibited.

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B. Use by Special Exception. Uses by special exception shall be as follows:

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(6) Principal Solar Energy System (PSES) in compliance with Article XXV of this Chapter, titled "Principal Solar Energy Systems," and as may be further addressed in this Chapter or other regulations of the Township.

(v) GI- General Industrial District. Article XI of the Zoning Ordinance, titled "GI- General Industrial District," Section 131-40, titled "Permitted Uses" shall be amended to add the following:

B. Use by Special Exception. The following use shall be permitted only upon approval by the Zoning Hearing Board in accordance with the provisions of Section 131-105.B of this Chapter:

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(5) Principal Solar Energy System (PSES) in compliance with Article XXV of this Chapter, titled "Principal Solar Energy Systems," and as may be further addressed in this Chapter or other regulations of the Township.

SECTION 10. Amendment to Q-Quarry District Regulations. Chapter 131 of the Code of Ordinances of the Township of Washington, titled the "Washington Township Zoning Ordinance," shall be amended to add PSES as a use permitted by Special Exception in the Q-Quarry District, amending Article XII of the Zoning Ordinance, titled "Q-Quarry District," Section 131-44, titled "Use Regulations" as follows:

§131-44. Use Regulations.

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J. Uses by Special Exception. Uses Permitted by Special Exception shall be ads follows:

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(2) Principal Solar Energy System (PSES) in compliance with Article XXV of this Chapter, titled "Principal Solar Energy Systems," and as may be further addressed in this Chapter or other regulations of the Township.

SECTION 11. Severability. In the event that any provision, section, sentence, clause, or part of this Ordinance is held to be invalid, such invalidity shall not affect nor impair any remaining provision, section, sentence, clause, or part of the Ordinance, it being the intent of the Board of Supervisors of Washington Township that such remainder shall be and shall remain in full force and effect and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 12. Repealer. The Ordinances of Washington Township, Berks County, Pennsylvania, shall be and remain unchanged and in full force and effect except as amended, supplemented or modified by this Ordinance. This Ordinance shall become a part of the Code of the Township of Washington, Berks County, Pennsylvania, upon adoption. All ordinances or parts of ordinances of the Township which are inconstant herewith, are hereby repealed.

SECTION 13. Effective Date. This Ordinance shall take effect and be in force after its enactment by the Board of Supervisors as provided by law.
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ORDAINED AND ENACTED as an Ordinance by the Board of Supervisors of the Township of Washington, Berks County, Pennsylvania, in lawful session duly assembled this 27th day of June 2024.

TOWNSHIP OF WASHINGTON
BERKS COUNTY PENNSYLVANIA

_____
, Chair

_____
, Vice Chair

_____
, Supervisor

ATTEST: _____
, Secretary

1AX3971.RTF

MUNICIPAL CERTIFICATION

I, Susan J. Brown, the Manager/Secretary of the Township of Washington, Berks County, Pennsylvania, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2024-1 adopted at a regular meeting of the Board of Supervisors of the Township of Washington, Berks County, Pennsylvania held on the 27th day of June, 2024.

Susan J. Brown
, Secretary

[SEAL]