

HEMLOCK TOWNSHIP  
COLUMBIA COUNTY, PENNSYLVANIA

ORDINANCE NO. 03-09-2021

AN ORDINANCE AMENDING CERTAIN SECTIONS OF  
CHAPTERS OF THE CODE OF ORDINANCES OF  
HEMLOCK TOWNSHIP RELATING TO BUILDINGS;  
FIRE PREVENTION AND FIRE PROTECTION; HEALTH  
AND SAFETY; LICENSES, PERMITS AND GENERAL  
BUSINESS REGULATIONS; STREETS AND SIDEWALKS;  
SUBDIVISION AND LAND DEVELOPMENT;  
TAXATION-SPECIAL; AND ZONING

BE IT ENACTED, AND IT IS HEREBY ENACTED, by the Board of Supervisors of

Hemlock Township:

**CHAPTER 4 - BUILDINGS**

1. Part 1, Section 102, Regulations Regarding Size, Posting and Display of Address Identification Numbers. Delete paragraph 3(B) in its entirety, and substitute therefor the following:

B. Any residence, building, or mobile home that does not utilize a United States Postal mailbox that is located directly in front of the residence must place an identification number directly on the residence, building, or mobile home in a conspicuous place which is visible from the street or road, or the identification number may be placed at the property entrance.

**CHAPTER 7 - FIRE PREVENTION AND FIRE PROTECTION**

2. Add the following as Part 5 to Chapter 7:

## PART 5

### FIRE HYDRANTS

#### § 7-501. Fire Hydrants.

1. A Developer, or his/her/its successor, shall be responsible for the maintenance, repairs, and inspections of all fire hydrants on the Developer's property as shown on the approved development plans. The Developer, or his/her/its successor, shall be responsible for notifying Hemlock Township of any defective or inoperable fire hydrants on the Developer's property within 24 hours of knowledge of the defective or inoperable fire hydrant.
2. The Developer, or his/her/its successor, shall be responsible for an annual certified inspection of all fire hydrants shown on the approved development plans. Submission of the inspection report shall be made to Hemlock Township within 15 days of the date of the annual inspection.

#### § 7-502. Penalties.

1. Penalty for Failure to Maintain and Repair Required Fire Hydrants or to Notify Hemlock Township of Inoperable Fire Hydrants as Required in § 7-501(1).

Any person who violates any of the provisions of this Part, or fails to comply herewith, shall, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than \$300 nor more than \$1,000, plus costs, and, in default of payment of said fine and costs, be sentenced to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part or a Section of this Part continues shall constitute a separate offense.

2. Penalty for Failure to Provide Annual Inspection Report Within 15 Days of Inspection of Fire Hydrants as Required in § 7-501(2).

Any person who violates any of the provisions of this Part, or fails to comply herewith, shall, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than \$300 nor more than \$1,000, plus costs, and, in default of payment of said fine

and costs, be sentenced to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part or a Section of this Part continues shall constitute a separate offense.

### **CHAPTER 10 - HEALTH AND SAFETY**

3. Part 1, Section 103, Nuisances Declared Illegal. Add the following sentence to the end of paragraph 1(F): "A fifty (50) foot wide landscape buffer planted along a stream bank is exempt from this Section."

4. Part 1, Public Nuisance Code. Add the following Section and renumber accordingly:

§ 10-106. Collection of Municipal Waste.

Private waste haulers shall collect municipal waste and recyclables from properties in all residential districts within the limits of Hemlock Township only between the hours of 5:00 a.m. and 5:00 p.m. on any given day.

### **CHAPTER 13 - LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS**

5. Part 2, Section 229, Assignment and Transfer of Licenses. In the second line of the paragraph change the word "with" to "without", so that the phrase reads: ". . . transferred to any other person without the express written authorization . . .".

6. Part 4, Section 402, Public Hearing Advertisement and Posting. In paragraphs 1(B), 1(C), and 1(D), change all references of "30 days" to "15 days".

7. Part 4, Section 405, Decision of the Board. Delete in its entirety, and substitute therefor the following:

Within 45 days from a request for approval, the Board of Supervisors shall render a decision to approve or disapprove the applicant's request for transfer of a liquor license or the issuance of an economic development license. The decision shall be in writing and mailed to the applicant.

### **CHAPTER 21 - STREETS AND SIDEWALKS**

8. Part 2, Section 208, Standards. Add the following sentence to the end of paragraph 12:

Any and all expenses related to making a driveway conform to this Ordinance shall be at the expense of the property owner, including the cost to purchase and install driveway pipe.

## **CHAPTER 22 - SUBDIVISION AND LAND DEVELOPMENT**

9. Part 3, Section 304, Final Plans. In paragraph 1(C)(3), delete the word “wilding” and substitute the word “building”.

10. Part 4, Section 403, Preliminary and Final Plans. In the last sentence of paragraph 2(A), delete the word “will” and substitute the word “may”.

11. Part 4, Section 403, Preliminary and Final Plans. In paragraph 2(B)(3), delete the words “United Water Company” and substitute the words “Suez Water”.

12. Part 5, Section 503, Streets and Driveways. In paragraph 8(A), delete the word “mufti-family” and substitute the word “multi-family”.

13. Part 5, Section 503, Streets and Driveways. In paragraph 8(A), delete the word “seven” and substitute the word “six”.

14. Part 5, Section 506, Water Supply. Add the following at the end of paragraph 1(A)(6):

Fire hydrants must meet Suez Water standards. See also  
Chapter 7, Part 5, Section 501.

15. Part 5, Section 509, Stormwater Management. In paragraph 1(C)(2)(c), delete the words “a minimum of one foot” and substitute the words “at or”.

16. Part 5, Section 509, Stormwater Management. Delete subparagraph 1(C)(4)(b)(1) in its entirety, and substitute therefor the following:

(1) Infiltration devices shall be designed so that the pre-development versus post-development difference in the 2-year 24 hour storm shall be infiltrated. All designs must show de-watering of the infiltration device within 48 hours.

## **CHAPTER 24 - TAXATION; SPECIAL**

17. Part 4, Amusement Device Tax - Table of Sections. Change the spelling of the title for Section 24-409 from “Nontransferability” to “Non-transferability”.

18. Part 4, Section 402, Definitions. Delete the definition of AMUSEMENT DEVICE in its entirety and substitute therefor the following:

AMUSEMENT DEVICE – Any electronic device, machine, or apparatus for the playing of games, amusements, or entertainment, whether operated manually or by coins, tokens, slugs, remote control, pins, pegs, balls, electric batteries, or other electric current, which is

activated or can be played only after the insertion of a coin, metal disk, slug, or token, or otherwise activated through exchange of legal tender.

19. Part 4, Section 403, Payment of Tax. Add the following sentence to the end of the paragraph:

All non-profit organizations, upon proof of such status, shall be exempt from licensing and tax requirements.

20. Part 4, Section 404, Amount of Tax. Delete in its entirety and substitute therefor the following:

No amusement device shall be used or installed until an annual tax has been paid to Hemlock Township in the sum of \$75 for up to and including ten (10) devices and \$25 for each additional device installed and used in Hemlock Township.

21. Part 4, Section 405, Calendar Year. Delete the words “January 15” and substitute the words “January 31”.

22. Part 4, Section 406, License Required. Add the following sentence to the end of the paragraph:

The tax collector has the right to visit any premises to inspect and examine Amusement Devices.

23. Part 4, Section 407, Responsibility for Payment of Tax. Delete the words “the 15 day” and substitute the words “the 31st day”.

24. Part 4, Section 409, Nontransferability. Change the spelling of the title for Section 24-409 from “Nontransferability” to “Non-transferability”.

25. Part 4, Section 409, Non-transferability. Delete the phrase “a license shall be issued for such machine and the tax shall be paid on a pro rata basis” and substitute the phrase “an additional tax shall be paid by the property owner or applicant and a license shall be issued for such machine.”

26. Part 4, Section 410, Penalties for Violation. Delete the phrase “and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days” and substitute the phrase “or to a term of imprisonment not to exceed 90 days, or both”.

## CHAPTER 27 - ZONING

27. Part 4, Section 423, Agricultural Uses. Under paragraph (1)(A), add the following paragraph:

(6) Chickens shall be permitted for private use in all zoning districts, with the following conditions:

(a) In Urban Residential (UR) and Suburban Residential (SR) zoning districts, a maximum of six (6) chickens may be kept on less than half an acre and a maximum of six (6) chickens may be kept per each additional half acre.

(b) No roosters shall be allowed in Urban Residential (UR) or Suburban Residential (SR) zoning districts.

(c) Coops shall be erected no less than ten feet (10') from any property line and are not permitted in the front yard of any property.

28. Part 4, Section 431, Swimming Pools. In paragraph 1(A), delete the words “of permanent construction”.

29. Part 4, Section 431, Swimming Pools. In paragraph 1(C), delete the first sentence and substitute the following:

The pool shall not be located within any required front yard.

30. Part 4, Section 433, Accessory Warehousing and Storage Facilities. Delete paragraph 1(D) in its entirety and substitute the following:

D. There shall be no residential or commercial use of any accessory warehousing or storage facilities with the exception that shipping containers shall be permitted as accessory storage containers in the Agricultural District.

31. Part 4, Section 433, Accessory Warehousing and Storage Facilities. Add the following paragraph:

2. Shipping containers shall be permitted as accessory storage containers in the Agricultural District subject to the following standards:

A. Shipping containers shall meet the setback requirements, as an accessory building in the Agricultural District, and must be placed on concrete, asphalt, or a level, compacted surface.

B. Shipping containers shall not be stacked above the height of a single container.

C. Shipping containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing.

D. Shipping containers shall not be located in the front yard of the principal structure of the property.

E. Shipping containers shall not occupy required off-street parking, loading, rights-of-way, or landscaping areas.

F. All containers shall have the appropriate placard(s) and the property owner shall possess on site the Safety Data Sheet(s) in accordance with "NFPA 704: Standard System for the Identification of the Hazards of Materials for Emergency Response" from the U.S.-based National Fire Protection Association.

G. Shipping containers are required to be fenced or screened from residential neighborhoods adjacent to the property unless other measures are employed by the property owner to mitigate the visual impacts of such containers.

H. The total gross floor area of all shipping containers shall not be more than one-half of the gross floor area of the principal structure.

32. Part 4, Section 435, Wind Energy Facility. Add the following to paragraph 1(A):

(3) No person or entity shall begin decommissioning a Wind Energy Facility without first securing a zoning permit from the Hemlock Township Zoning Officer.

33. Part 4, Section 435, Wind Energy Facility. At the end of paragraph 2(B), delete the words “[Chapter 5, Part 1]”.

34. Part 4, Section 435, Wind Energy Facility. Delete paragraph 5(C) in its entirety, and substitute the following:

C. Hemlock Township will require the facility owner to bond all roadways utilized in the development, construction, maintenance, and decommissioning of the project in accordance with Chapter 15, Part 3, Motor Vehicle Weight Limitation and Bonding, of the Hemlock Township Code of Ordinances.

35. Part 4, Section 435, Wind Energy Facility. Delete paragraph 13, Remedies, in its entirety.

36. Part 4, Supplementary Use Regulations. Add the following Section as 436:

**§ 27-436. Solar Energy Facility.**

1. Solar energy facilities may be permitted only in those districts and as specified in the “District Regulations,” Part 3. Applications for such uses shall also be subject to the standards outlined below, as well as all other applicable state or federal regulations. Accessory Solar Energy Systems (ASES) or stand-alone solar arrays or solar roof panels constructed primarily for residential or individual use may be located in any zoning district as an accessory use and shall not be subject to further regulation by this Chapter.

A. Permit Requirements for PSES Solar Energy Facilities.

(1) No person or entity shall construct, install, or otherwise operate a Principal Solar Energy System (PSES), solar energy facility, without first securing a zoning permit from the Hemlock Township Zoning Officer.

(2) Any physical modification to an existing and permitted solar energy facility that materially alters the size, type, and number of solar collectors or other equipment shall require a permit modification under this Chapter. Like-kind replacements shall not require a permit modification.

(3) No person or entity shall begin decommissioning a PSES, solar energy facility, without first securing a zoning permit



from the Hemlock Township Zoning Officer.

B. Permit Application. At a minimum, the application shall contain the following:

(1) A narrative describing the proposed solar energy facility, including an overview of the project; the project location; the approximate generating capacity of the solar energy facility; the approximate number, representative types and height or range of heights of solar collectors to be constructed, including their generating capacity, dimensions, and respective manufacturers; and a description of ancillary facilities.

(2) An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the solar energy facility.

(3) Identification of the properties on which the proposed solar energy facility will be located, and the properties adjacent to where the solar energy facility will be located.

(4) A site plan showing the planned location of the solar collectors, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the solar energy facility to the substation(s), ancillary equipment, buildings and structures, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

(5) Documents related to decommissioning.

(6) Other relevant studies, reports, certifications, and approvals as may be reasonably requested by Hemlock Township to ensure compliance with this Chapter.

## 2. Design and Installation.

A. Design Safety Certification. The design of the solar energy facility shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant

shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories or other similar certifying organizations.

B. Uniform Construction Code. To the extent applicable, the solar energy facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§ 403.1 - 403.142.

C. Electrical Components. All electrical components of the solar energy facility shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.

D. On-site transmission and power lines between solar collectors shall, to the maximum extent practicable, be placed underground.

E. Glare.

(1) All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.

(2) The applicant has the burden of proving that any glare produced does not have a significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

F. Safety/Warning Signage. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the PSES shall be locked to prevent unauthorized access or entry.

G. Signage. No signage other than the manufacturer's name/identification shall be on equipment.

H. Fencing. Prior to construction of the collectors, the facility owner shall install and thereafter maintain a security fence around the entire perimeter of the solar energy facility, which shall be between six (6) and ten (10) feet in height.

I. Setbacks. Solar collectors, inverters, and any other structures constructed or located in the developed area shall comply with principal structure setback requirements of the District. Where

adjacent tracts, whether under the same or different ownership, are being developed for a PSES by the same developer, under the same lease terms, property line setback requirements between these adjacent properties may be zero feet from the property boundary; provided, the adjacent owners submit in writing, to Hemlock Township, that these adjacent parcel owners wish to have zero feet setbacks from their adjacent property lines imposed on this PSES development.

3. Use of Public Roads.

A. The applicant shall identify all state and local public roads to be used within Hemlock Township to transport equipment and parts for construction, operation, maintenance, and decommissioning of the solar energy facility.

B. The Hemlock Township Engineer, or a qualified third-party engineer hired by Hemlock Township and paid for by the applicant, shall document road conditions prior to construction or decommissioning. The Engineer shall document road conditions again 30 days after construction or decommissioning is complete, or as weather permits.

C. The facility owner shall be required to bond all roadways utilized in the development, construction, maintenance, and decommissioning of the project in accordance with Chapter 15, Part 3, Motor Vehicle Weight Limitation and Bonding, of the Hemlock Township Code of Ordinances.

D. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.

E. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

4. Local Emergency Services.

A. The applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer fire departments.

B. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the solar energy facility.

5. Liability Insurance. There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least one million dollars per occurrence and one million dollars in the aggregate. Certificates shall be made available to Hemlock Township upon request.

6. Decommissioning.

A. The facility owner and operator shall, at its expense, complete decommissioning of the solar energy facility, or individual solar collectors, within 12 months after the end of the useful life of the facility or individual solar collectors. The solar energy facility will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.

B. Decommissioning shall include removal of solar panels or collectors, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.

C. Disturbed earth shall be graded and re-seeded, unless the property owner requests in writing that the access roads or other land surface areas not be restored.

D. An independent and certified professional engineer shall be retained by the facility owner and operator 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 estimates shall be submitted to Hemlock Township after the first year of operation and every fifth year thereafter.

E. Hemlock Township may require the facility owner or operator to post and maintain decommissioning funds in an amount equal to net decommissioning costs at any time. Upon receipt of the second five-year estimation of decommissioning costs, the facility owner or operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs; provided, that at no point shall decommissioning funds be less than 25 percent of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating property owner posting the

financial security; provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by Hemlock Township.

F. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee, or other form of financial assurance as may be acceptable to Hemlock Township.

G. If the facility owner or operator fails to complete decommissioning within the period prescribed by Subsection 6A, then the property owner shall have six months to complete decommissioning.

H. If neither the facility owner or operator, nor the property owner complete decommissioning within the periods prescribed by Subsections 6A and 6G, then Hemlock Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating property owner agreement to Hemlock Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors, and assigns, that Hemlock Township may take such action as necessary to implement the decommissioning plan.

I. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated, and Hemlock Township concurs, that decommissioning has been satisfactorily completed, or upon written approval of Hemlock Township in order to implement the decommissioning plan.

#### 7. Public Inquiries and Complaints.

A. 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.

B. The facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

37. Part 4, Supplementary Use Regulations. Add the following Section as 437:

#### **§ 27-437. Food Trucks.**

1. Food Trucks shall be a permitted use in the C (General Commercial),

IC (Interchange Commercial), and I (Industrial) zoning districts under the following conditions:

- A. A Food Truck Operator shall obtain an annual, non-transferable zoning permit and pay all applicable fees as set by Resolution of the Board of Supervisors from time to time.
- B. Food Trucks are permitted to operate at any time in the C (General Commercial), IC (Interchange Commercial), and I (Industrial) zoning districts.
- C. Food Trucks shall be permitted in residential neighborhoods for private catered gatherings.
- D. A sandwich board sign, not greater than six (6) square feet in size, is permitted for the purpose of listing menu items for purchase from the Food Truck and shall be contained within five (5) feet of the Food Truck. No off-site signs shall be permitted.
- E. Food Trucks shall not be parked in any public right-of-way or on any Township road.
- F. Food Trucks shall not be parked for any period of time when not open for business, excluding the amount of time needed for setting up or closing down which is associated with the hours of operation on a given day.
- G. The Food Truck Operator is responsible for the proper disposal of trash and waste associated with the operation of the Food Truck. No liquid waste or grease shall be disposed of in any landscaped areas, storm drains, streets, or on public land.
- H. The Food Truck shall comply with all statutes and regulations of the Commonwealth of Pennsylvania and the Department of Agriculture.
- I. All Food Trucks shall be equipped with a serviceable fire extinguisher.

38. Part 5, Section 505, Miscellaneous Regulations. In paragraph 2(B), delete the words "Rural Residential".

39. Part 5, Section 505, Miscellaneous Regulations. In paragraph 2(C), after the words “except that” insert the words “shipping containers may be permitted for storage in Agricultural Districts and”.

40. Part 6, Section 602, Basis for Floodplain Districts. In paragraph 1(A), after the words “Zone A”, insert the words “and Zone AE”.

41. Part 6, Section 603, Flood Damage Control Provisions. In paragraph 1(C)(3)(b), delete the words “two-wire fences”, and substitute the words “horizontal wire pasture fencing”.

42. Part 7, Section 705, Signs in the C General Commercial, IC Interchange Commercial, and I Industrial Districts. Delete paragraph 1(A) in its entirety and substitute therefor the following:

A. General Use Signs. Those signs permitted in § 27-704, Subsection 1A, General Use Signs in the RR, SR, and UR Districts, may also be permitted in the C, IC, and I Districts at the same size, in the same quantity, and in the same style, with the exception that Directional Signs may be illuminated.

43. Part 8, Off-Street Parking and Loading Requirements, Table 27-8-1, Off-Street Parking Schedule. Under the Industrial Uses category, item 29 (Industrial or manufacturing operations; warehousing or storage facilities, except as provided below), change the Minimum Spaces Required from “1/2” to “1” for each employee in the maximum work shift + 5 visitor spaces.

44. Part 10, Section 1002, Powers and Duties. In paragraph 1(C)(3)(d), delete the word “after” and substitute the word “alter”.

45. Part 10, Section 1003, Hearing Procedures. In paragraph 8, delete the words “12 months” and substitute the words “24 months”.

46. Part 11, Section 1102, Conditional Uses. In paragraph 1(H), delete the words “12 months” and substitute the words “24 months”.

47. Part 12, Section 1203, Zoning Permits. In paragraph 7(A), delete the words “two ninety-day”, and substitute the words “three six-month”.

48. Part 13, Section 1302, Definitions. Add the following definitions in alphabetical order:

ACCESSORY SOLAR ENERGY SYSTEM (ASES) – A solar collection 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 (1) or more free-standing ground, 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.

AGRITAINMENT – See AGRITOURISM.

AGRITOURISM – An enterprise that includes entertainment; concerts; educational tours; celebratory gatherings such as weddings; historical agricultural exhibits and seminars; petting farms; outdoor mazes of agricultural origin (such as straw bales or corn); wagon, sleigh, and hayrides; nature trails; outdoor picnic areas; the use or rental of farm buildings for periodic special events or competitions, such as horse shows, barrel racing, rodeos, tractor pulls, and other similar uses.

CASINO – A public room or building where gambling games are played.

FOOD TRUCK – A licensed, self-contained, motorized vehicle or a mobile unit (one that does not travel under its own power) utilized for the sale and vending of consumable food and non-alcoholic beverage products. (See also Section 27-437)

FOOD TRUCK OPERATOR – The owner of a Food Truck.

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

KIOSK – A small, non-motorized structure, with one or more open sides, that is used to vend or sell merchandise or other services.

PRINCIPAL SOLAR ENERGY SYSTEM (PSES) – A solar collection system principally used 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 (1) 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.



SHIPPING CONTAINER – A reusable vessel, originally designed as a cargo container, for the packing, storage, movement, or transportation of freight, articles, goods, or commodities, which was designed to be moved by rail, truck, or ship by means of being mounted on a chassis or similar transport device.

SOLAR ARRAY – A grouping of multiple solar modules with the purpose of harvesting solar energy.

SOLAR CELL – The smallest basic solar electric device which generates electricity when exposed to light.

SOLAR COLLECTOR – A system composed of equipment used in either a residential or commercial operation for the harvesting of solar energy. Includes a variety of items as noted under the definition of solar-related equipment.

SOLAR EASEMENT – 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 property

owner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

SOLAR ENERGY – Radiant energy (direct, diffuse, or reflective) received from the sun.

SOLAR ENERGY FACILITY – An electric generating facility, whose main purpose is to supply electricity, consisting of one or more solar collectors and other accessory structures and buildings, including substations, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

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, tier water heating, 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, and tuning and possibly foundations or other structures used for or intended to be used for collection of solar energy.

49. Part 13, Section 1302, Definitions. Delete the definition of FACILITY OWNER and substitute therefor the following:

FACILITY OWNER – The entity or entities having an equity interest in the wind or solar energy facility, including their respective successors and assigns.

50. Part 13, Section 1302, Definitions. Delete the definition of OPERATOR and substitute therefor the following:

OPERATOR – The entity responsible for the day-to-day operation and maintenance of a use permitted by this Ordinance.

51. Attachment 1:11, IC Interchange Commercial District Table. Add the following to the Conditional Uses and Structures (Township Supervisors) column:

9. Casinos

52. Attachment 1:15, A Agricultural District Table. Add the following to the Permitted Accessory Uses and Structures (Zoning Officer) column:

9. Shipping containers as accessory storage to a permitted principal use. See § 27-433(2).

53. Attachment 1:15, A Agricultural District Table. Add the following to the Conditional Uses and Structures (Township Supervisors) column:

8. Solar Energy Facility

54. Attachment 1:15, A Agricultural District Table. Delete “Wind energy facility. (See § 27-435)” from the Special Exception Uses and Structures (Zoning Hearing Board) column, and add it to the Conditional Uses and Structures (Township Supervisors) column as item 9.

55. Attachment 2:1, RR Rural Residential District - Lot, Yard and Open Space Requirements. In the Maximum Height Requirements column, item 2, Accessory structures, delete the words “20 feet” and substitute the words “30 feet”.

56. Attachment 2:3, SR Suburban Residential District - Lot, Yard and Open Space Requirements. In the Minimum Yard Requirements column, delete item “2. Side yards” in its entirety and substitute therefor the following:

2. Side yards: (principal and accessory structures). (See also § 27-503, Subsection 3.)\*
  - a. Public or community sewer and on-lot water: 20 feet each side.
  - b. Public or community sewer and public water: 15 feet each side.
  - c. On-lot septic and on-lot water: 20 feet each side.
  - d. On-lot septic and public water: 15 feet each side.

57. Attachment 2:4, SR Suburban Residential District - Lot, Yard and Open Space Requirements. In the Minimum Lot Requirements column, delete item “3. Side yards” in its entirety and renumber accordingly.

58. Attachment 2:5, UR Urban Residential District - Lot, Yard and Open Space Requirements. In the Minimum Lot Requirements column, item 1(a)(3), delete the words “5,000 square feet” and substitute the words “4,000 square feet”.

59. Attachment 2:9, C General Commercial District - Lot, Yard and Open Space. Add the word “Requirements” to the end of this chart title, and in the Minimum Yard Requirements column, items 2(a), 2(b), 3(a)(1), 3(a)(2), and 3(b), delete the word “Commercial” and substitute the words “General Commercial, Interchange Commercial”.

60. Attachment 2:11, IC Interchange Commercial District - Lot, Yard and Open Space Requirements. In the Minimum Yard Requirements column, items 2(a), 2(b), 3(a)(1), 3(a)(2), and 3(b), delete the word “Commercial” and substitute the words “General Commercial, Interchange Commercial”.

61. Attachment 2:15, A Agricultural District - Lot, Yard and Open Space Requirements. In the Maximum Height Requirements column, item 2, Accessory structures, delete the words “20 feet” and substitute the words “30 feet”.

62. Attachment 3:1, Table of Uses. Under the Residential Uses, Student housing facilities, delete the “SE” designation in the RR, SR, and UR Districts columns, and in the UR District column add the phrase “See § 27-411”.

63. Attachment 3:2, Table of Uses. Add the following Commercial uses, in alphabetical order, as specified by type and zoning district:

“Casino” as a Conditional Use in the IC District

“Food Trucks” as a Permitted Use in the C, IC, and I Districts

“Kiosks” as a Permitted Use in the C, IC, and I Districts

This Ordinance is effective upon enactment.

ENACTED this 9<sup>TH</sup> day of March, 2021.

HEMLOCK TOWNSHIP:

BY:   
MARK E. MORROW, CHAIR

ATTEST:

  
JEFFERY SUTTON,  
TOWNSHIP MANAGER

(SEAL)