

**MILLERSVILLE BOROUGH
Lancaster County, Pennsylvania**

RESOLUTION NO. 2024-__

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MILLERSVILLE, LANCASTER COUNTY, PENNSYLVANIA, ADOPTING AN AMENDMENT TO THE MILLERSVILLE BOROUGH, LANCASTER COUNTY COMPREHENSIVE PLAN TO ESTABLISH THE GREEN ENERGY OVERLAY DISTRICT, AND TO ADOPT DEFINITIONS AND PROVISIONS IN CHAPTER 380 GOVERNING CERTAIN RENEWABLE SYSTEMS

WHEREAS, the Borough of Millersville, Lancaster County, Pennsylvania (the “Borough”), is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Borough has prepared the Millersville Borough, Lancaster County Comprehensive Plan dated August 31, 2022, most recently revised April 25, 2023 (the “Comprehensive Plan”); and

WHEREAS, Article III of the Pennsylvania Municipalities Planning Code (the “MPC”) authorizes the preparation and periodic updating of municipal comprehensive plans; and

WHEREAS, Section 302(c) of the MPC requires that, the adoption of the comprehensive plan, or any part thereof, or any amendment thereto, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the governing body and requires that the resolution shall refer expressly to the maps, charts, textual matter, and other matters intended to form the whole or part of the plan, and the action shall be recorded on the adopted plan or part; and

WHEREAS, the Borough Council has determined that the Comprehensive Plan should be updated to acknowledge changes in past and future land use and development patterns by adding the Green Energy Overlay District and associated regulations to the Borough’s Zoning Map and Chapter 380, Zoning, of the Borough’s Code of Ordinances; and

WHEREAS, in accordance with Section 603(j) of the MPC, the Borough Council has identified a need to provide general consistency between the Comprehensive Plan and Chapter 380, Zoning, of the Code of the Borough of Millersville, Lancaster County, Pennsylvania; and

WHEREAS, pursuant to Section 302(a) of the MPC, the Borough Council is authorized to amend part of the Comprehensive Plan; and

WHEREAS, in accordance with Section 302 of the MPC, the Planning Commission of the Borough of Millersville, Lancaster County, Pennsylvania (the “Borough Planning Commission”)

held a public hearing on _____, 2024, to consider the proposed amendment; and

WHEREAS, the Borough Planning Commission recommended that the Borough Council adopt the proposed amendment; and

WHEREAS, in accordance with Section 302 of the MPC, the Borough forwarded the proposed amendment to the Lancaster County Planning Commission, Penn Manor School District, and the adjoining municipalities; and

WHEREAS, in accordance with Section 302 of the MPC, the Borough Council held a public hearing on _____, 2024, to consider the proposed amendment; and

WHEREAS, in accordance with the provisions and requirements of the MPC, the Borough Council now desires to adopt the proposed amendment as part of the Borough Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Millersville, Lancaster County, Pennsylvania, as follows:

SECTION 1. The above recitals are incorporated herein by reference thereto and made a part of this Resolution.

SECTION 2. The Borough Council of the Borough of Millersville and the Borough Planning Commission propose to amend Section 380-24 of the Borough's Code of Ordinances (the "Code") by adding the Green Energy Overlay District to the Borough's Zoning Map, as depicted on the map entitled "Draft Zoning Map Change for Green Energy Overlay District – Millersville Borough", included in the Zoning Ordinance Amendment attached hereto as Exhibit "A" and incorporated herein by reference, and which Zoning Map shall supersede all prior Zoning Maps previously adopted by the Borough. As a result, the maps depicted on pages 7, 8, and 9 of the Borough's Comprehensive Plan are hereby amended to reflect the addition of the Green Energy Overlay District to the Borough's Zoning Map. Notwithstanding any other map depicting the Borough's zoning districts in the Borough's Comprehensive Plan to the contrary, the map adding the Green Energy Overlay District as depicted in Exhibit "A" of this Resolution shall apply.

SECTION 3. The Borough Council of the Borough of Millersville and the Borough Planning Commission also propose to amend Section 380-21 of the Code to add definitions related to Principal Solar Energy Systems ("PSES"); to amend Section 380-22 of the Code to add the Green Energy Overlay District; to add a new Section 380-30.2 to regulate the Green Energy Overlay District; and to amend the Table of Permitted Uses contained in Section 380-27, as more fully described in the Zoning Ordinance Amendment attached hereto as Exhibit "A" and incorporated herein by reference. As a result, the description of the Traditional Neighborhood Development (TND) District on pages 11, 12, and 13 of the Borough's Comprehensive Plan is hereby amended to reflect that a PSES is a use permitted by right within the Green Energy Overlay District, which Green Energy Overlay District applies to parcels located within the TND District. The Sustainability Plan contained on pages 24 through 29 of the Borough's Comprehensive Plan is hereby amended to reflect that a PSES is a use permitted by right within the Green Energy

Overlay District. Notwithstanding any other provisions within the Borough’s Comprehensive Plan to the contrary, the provisions relating to PSES in the Green Energy Overlay District described above and in Exhibit “A” of this Resolution shall apply.

SECTION 4. The Secretary of the Borough shall record these actions of the Borough Council approving the proposed amendment and direct that it be incorporated as part of the Comprehensive Plan pursuant to Section 302(c) of the MPC.

SECTION 5. All provisions of previous resolutions which are contrary to this Resolution are expressly repealed.

SECTION 6. If any sentence, clause, section, or part of this Resolution is for any reason found unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared the intent of the Borough Council of the Borough of Millersville that this Resolution would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

SECTION 7. This Resolution shall take effect immediately.

DULY ADOPTED, pursuant to the authority granted to the Borough of Millersville under the laws of the Commonwealth of Pennsylvania in lawful session duly assembled on this _____ day of _____, 2024.

**MILLERSVILLE BOROUGH
LANCASTER COUNTY**

By: _____

Joseph Lane
President, Borough Council

ATTEST:

Rebecca DeSantis-Randall
Secretary

EXHIBIT A

Zoning Ordinance Amendment – Establishing Green Energy Overlay District – Millersville
Borough, Lancaster County, Pennsylvania

DRAFT