

# BOROUGH OF MILLERSVILLE

Lancaster County, Pennsylvania

---

## ORDINANCE NO. \_\_\_\_

---

### AN ORDINANCE TO AMEND THE MILLERSVILLE BOROUGH CODE OF ORDINANCES, CHAPTER 380, ZONING, TO ESTABLISH THE GREEN ENERGY OVERLAY DISTRICT, AND TO ADOPT DEFINITIONS AND PROVISIONS IN CHAPTER 380 GOVERNING CERTAIN RENEWABLE ENERGY SYSTEMS

WHEREAS, Millersville Borough (the “Borough”) seeks to promote the general health, safety and welfare of the community by adopting and implementing an amendment to the Borough’s Zoning Ordinance better providing for and regulating the uses of certain renewable energy systems in the appropriate locations in the Borough; and

WHEREAS, the purpose of this Ordinance is to amend the Zoning Ordinance to provide for the above-referenced uses as permitted uses within the Green Energy Overlay District; and

WHEREAS, the Borough further desires to delete, amend, and supplement certain definitions contained in the Zoning Ordinance to better clarify and distinguish the above-referenced uses.

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Millersville, Lancaster County, Pennsylvania, and it is enacted and ordained as follows:

**SECTION 1.** Section 380-21 of the Millersville Borough Code of Ordinances (the “Code”), entitled “Terms defined,” is hereby amended by adding the following terms and definitions thereof:

**AGRIVOLTAICS:** The co-development of the same area of land for both solar photovoltaic power and conventional agriculture.

**PRINCIPAL SOLAR ENERGY SYSTEM (PSES):** An area of land or other area used for 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.

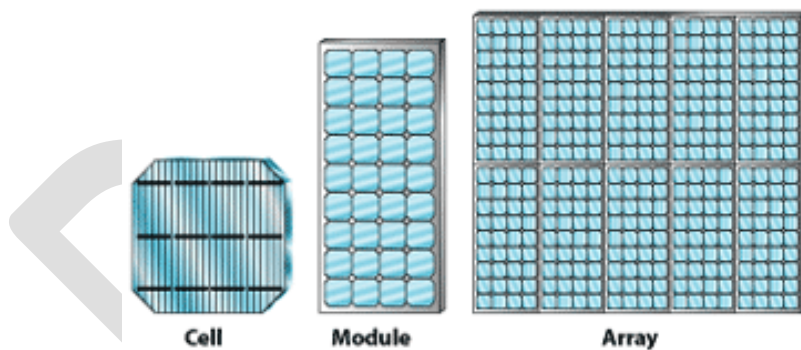
**SOLAR ENERGY:** Radiant energy (direct, diffuse and/or reflective) received from the sun.

**SOLAR ENERGY SYSTEM:** An area of land used for a solar collection system principally to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power. This shall include all other accessory structures related to the Solar Energy System including buildings, structures, substations, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

**SOLAR PANEL (“PANEL”):** That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

**SOLAR-RELATED EQUIPMENT:** Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

1. **SOLAR CELL:** The smallest basic solar electric device which generates electricity when exposed to light.
2. **SOLAR MODULE:** A grouping of solar cells with the purpose of harvesting solar energy.
3. **SOLAR ARRAY:** A grouping of multiple solar modules with purpose of harvesting solar energy.



**SECTION 2.** Section 380-22 of the Code, entitled “Designation of districts and purposes,” Subsection C, Overlay districts, is hereby amended to provide as follows:

- C. Overlay districts. The floodplain area, as defined by Article V, shall serve as an overlay district to the applicable underlying districts. The Historic Overlay District shall exist as described in § 380-30. The Downtown District shall serve as an overlay district and exist as described in § 380-30.1. The LCO Limited Commercial Overlay District shall apply as an overlay district as provided in Section 380-30.2. The Green Energy Overlay District shall exist as described in § 380-30.3.

**SECTION 3.** Section 380-24 of the Code, entitled “Zoning Map,” is hereby revised to change the legend to add the “Green Energy Overlay District.” The affected land areas are shown on the attached map labeled “Draft Zoning Map Change for Green Energy Overlay District – Millersville Borough,” which map is incorporated into and made a part of this Ordinance Amendment.

**SECTION 4.** Chapter 380 of the Code, entitled “Zoning,” is hereby amended to add a new § 380-30.3., entitled “Green Energy Overlay District,” providing as follows:

- A. Purposes. The purpose of the Green Energy Overlay District is to provide for and encourage development and investment in green energy and renewable resources on a scale, in locations, and subject to regulations appropriate for Millersville Borough.
- B. Overlay District. The Green Energy Overlay District shall be an overlay zoning district to the existing zoning districts. To the extent specified by this ordinance, an alternative set of dimensional, use, and regulatory standards shall apply to the Green Energy Overlay District. Where there may be a direct conflict between this subsection and other different ordinance provisions, then the provisions of this Green Energy Overlay District as specified in this subsection shall apply.
- C. Boundaries. The boundaries of the Green Energy Overlay District are established as incorporated into the Official Millersville Borough Zoning Map.
- D. Interpretation of Overlay Boundaries. Initial interpretation of the boundaries of the Green Energy Overlay District shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the zones, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.
- E. The following uses established in accordance with this Chapter are permitted uses in the Green Energy Overlay District:
  - (1) Principal Solar Energy Systems (“PSES”)
- F. The following regulations apply to all PSES.
  - (1) PSES shall be permitted only in the Green Energy Overlay District.
  - (2) PSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this section. Any physical modification to an existing principal solar energy system, whether or not existing prior to the effective date of this section that materially alters the PSES shall require approval under this section. Routine maintenance or like-kind replacements do not require a permit.
  - (3) The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI),

Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), , Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Borough and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

- (4) Plan requirements. A report and plan highlighting the existing conditions of the property shall be included in the submission to the municipality. The information should highlight existing vegetation, topography, and other existing natural features.
- (5) Upon completion of installation, the PSES shall be maintained in good working order in accordance with standards of the Borough codes under which the PSES was constructed.
- (6) All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
- (7) Glare.
  - i) All solar energy systems shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways. Exterior surfaces shall have a non-reflective finish.
  - ii) The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- (8) Dimensional Requirements

| System Type:   | Requirement:             | Zoning District      |
|--|--------------------------|----------------------|
|  |                          | Green Energy Overlay |
| <b>Principal Solar Energy Systems</b>  | Minimum Setbacks (feet)* | 25<br>(all yards)    |
|  | Maximum Height (feet)    | 20 (at maximum tilt) |
|  | Impervious Coverage      | 40 %                 |
| *PSES that abut PSES on another parcel shall not be subject to setback requirements. |                          |                      |

- (9) Environmental protection.

- i) All PSES must be set back a distance of ten (10) feet from any area designated as a wetland or a FEMA Floodplain.
  - ii) All PSES shall be set back 70 feet from a structure listed on, or eligible for listing on, the National Register of Historic Places as designated by the State Historic Preservation Office of the National Park Service.
- (10) No portion of the solar energy system shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.
- (11) Security.
  - i) All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate. The fence shall meet setback requirements noted in this Green Energy Overlay.
  - ii) A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.
- (12) PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority. This shall include any indicator lights/beacons, which shall not be visible beyond the property line of the project site, whether solid or flashing.
- (13) The owner of a PSES shall provide the Borough with written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid-connected system. The written confirmation shall include a statement of capacity and approval of the proposed location.
- (14) Roof-mounted and wall-mounted PSES.
  - i) For roof-mounted and wall-mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and the adopted building code of the Borough and that the roof or wall is capable of holding the load imposed on the structure.
  - ii) PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zone.
- (15) Decommissioning.

- i) The PSES owner shall notify the Borough immediately upon cessation or abandonment of the operation. The solar energy system shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twenty-four (24) continuous months.
  - ii) The solar energy system owner shall then have eighteen (18) months from notice of cessation or abandonment in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owner's expense.
- (16) Applicant acknowledges that the issuance of a zoning or land use permit for a PSES shall not and does not create in the property, its, his, her or their successors and assigns in title:
  - i) The right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or
  - ii) The right to prohibit the development on or growth of any trees or vegetation on such property.
- (17) Stormwater requirements.
  - i) Only the following component(s) of the PSES shall be considered impervious coverage and calculated as part of any applicable impervious coverage limitations:
    - (a) Foundation systems, typically consisting of driven piles or monopoles or helical screws without or without small concrete collars.
    - (b) All mechanical equipment of the system including any structures for batteries or storage cells.
    - (c) The areas under and between the Solar Panels shall not be considered "impervious" provided that the PSES meets the criteria set forth in the Pennsylvania Department of Environmental Protection Chapter 102 Permitting for Solar Panel Farms Frequently Asked Questions, Version 1.1.
  - ii) The individual solar modules within an array shall be arranged in the following fashion:

- (a) Individual solar modules shall be arranged in a fashion that allows the passage of runoff between each module, minimizing the creation of runoff; and
  - (b) Individual solar modules shall not exceed four (4) feet in width to allow for adequate vegetative cover to be established and maintained.
- (18) Agrivoltaics are permitted subject to the following:
- i) Only shade-tolerant crops are permitted.
  - ii) Plowing is prohibited; no-till application is required.
  - iii) Cutting or mowing is limited to a height of no less than four (4) inches.
  - iv) Application of chemical fertilization or herbicides/pesticides is limited to the agronomic needs of the crop(s).
- (19) Except as otherwise provided in this Chapter or approved by the Borough, the owner of a PSES shall plant ground cover at the PSES site that includes native and naturalized perennial vegetation beneficial to native species and pollinators. Ground cover plantings shall be designed to provide a mixture of perennial grasses and wildflowers with a diversity of forbs or flowering plants that bloom throughout the growing season. Perennial vegetation should be native to Pennsylvania, but where appropriate may also include other naturalized and non-invasive species which provide habitat for pollinators and wildlife and/or other ecosystem services. No less than 20% of ground cover plantings shall be pollinator-friendly species.

**SECTION 5.** Section 380-27, Table of Permitted Uses by District is hereby amended to revise the Table of Permitted Uses – Primarily Nonresidential Districts to add the Green Energy Overlay District to the columns of designated Zoning Districts, and to reflect that PSES are “(P)” permitted uses in the Green Energy Overlay District.

**SECTION 6.** All provisions of previous Ordinances of the Borough which are contrary to this Ordinance are expressly repealed.

**SECTION 7.** All other sections, parts, and provisions of the Code of Ordinances of Millersville Borough shall remain in full force and effect as previously enacted and amended.

**SECTION 8.** The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or other sections of the Code of Ordinances that were not declared to be invalid or unconstitutional.

**SECTION 9. Effective Date.** This Ordinance is hereby adopted and ordained by the Borough Council of the Borough of Millersville, and shall become effective immediately after adoption.

DULY ORDAINED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024,  
by the Borough Council of the Borough of Millersville, Lancaster County, Pennsylvania, in  
lawful session duly assembled.

BOROUGH OF MILLERSVILLE  
Lancaster County, Pennsylvania

By: \_\_\_\_\_  
Joseph Lane  
President, Borough Council

**ATTEST:**

\_\_\_\_\_  
Rebecca DeSantis-Randall  
Secretary

Examined and approved as an Ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 2024

By: \_\_\_\_\_  
David T. Aichele  
Mayor

EXHIBIT A

Draft Zoning Map Change for Green Energy Overlay District – Millersville Borough

DRAFT