ORDINANCE NO. 1188

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 295, ENTITLED ZONING, OF THE CODE OF THE BOROUGH OF WAYNESBORO, TO PROVIDE STANDARDS FOR ACCESSORY SOLAR ENERGY SYSTEMS AND PRINCIPAL SOLAR ENERGY SYSTEMS IN THE BOROUGH OF WAYNESBORO

WHEREAS, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§ 10101 et seq., enables a municipality through its zoning ordinance to regulate the use of property and to promote the conservation of energy through access to and use of renewable energy resources; and

WHEREAS, the Borough of Waynesboro seeks to promote the general health, safety, and welfare of the community by adopting and implementing an amendment to the Zoning Ordinance providing for access to and use of solar energy systems; and

WHEREAS, the purpose of this Ordinance is to set forth requirements for solar energy systems.

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Borough of Waynesboro, Franklin County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1: Section 295-8 of the Code entitled "Definitions" is hereby amended by adding the following definitions to those listed in Section 295-8 thereof, to be inserted in alphabetical order:

ACCESSORY SOLAR ENERGY SYSTEM or ASES: An area of land or other area used for a solar energy 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. Ground mounted or freestanding Solar Energy Systems with an output size of not greater than 10kw shall be considered Accessory Solar Energy Systems. Roof Mounted Solar Energy Systems on the roofs of buildings on-site used primarily for on-site use shall have no limit as to energy output. 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.

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 area of land or other area used for a solar energy 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 or for use on-site if the output size is greater than 10kw. 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 EASEMENT: A solar easement means 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 landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

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

SOLAR ENERGY SYSTEM or SES: 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.

SOLAR FACILITY CONNECTION: The electric conveyance lines which connect a Solar Energy Facility to the high-voltage electric interconnection grid.

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, 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 ARRAY: A grouping of multiple solar modules with the purpose of harvesting solar energy.

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

3. SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy.

SECTION 2: Section 295-58 of the Code entitled "Solar Energy Systems" is hereby repealed in in its entirety and replaced with the following:

§ 295-58 Solar Energy Systems.

A. ACCESSORY SOLAR ENERGY SYSTEMS (ASES):

(1) Criteria Applicable to all Accessory Solar Energy Systems (ASES):

(a) ASES shall be permitted as a use by right in all zoning districts.

(b) The ASES layout, design, installation, and ongoing maintenance 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 Energy Research Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Borough of Waynesboro, and with all other applicable fire and life safety requirements.

Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Borough of Waynesboro codes 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 Borough of Waynesboro in accordance with applicable ordinances.

(c) All on-site utility, connection lines, and plumbing shall be placed underground to the extent feasible.

(d) Glare

[1] All ASESs 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 significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

(e) Decommissioning

[1] Each ASES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.

[2] The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.

[3] The ASES owner shall, at the request of the Borough, provide information concerning the amount of energy generated by the ASES in the last twelve (12) months.

(f) Permit Requirements

[1] Land use/building permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines.

[2] The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare.

(2) Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

(a) A roof mounted or wall mounted ASES may be located on a principal or accessory building.

(b) The total height of a building with an ASES shall not exceed by more than three (3) feet the maximum building height specified for principal or accessory buildings within the applicable zoning district.

(c) Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.

(d) Solar panels shall not extend beyond any portion of the roof edge.

(e) The plans shall comply with the Uniform Construction Code and adopted building code of the Borough, showing that the roof or wall is capable of holding the load imposed on the structure.

(f) Wall mounted ASES shall not be located on a portion of the principal structure facing the front yard of the lot.

(3) Ground Mounted Accessory Solar Energy Systems:

(a) Setbacks. ASES shall comply with the setbacks of the underlying zoning districts for principal structures.

(b) Height. Ground mounted ASES shall not exceed fifteen (15) feet in height above the ground elevation surrounding the systems.

(c) Location. Ground mounted ASES shall not be located in the front yard of the lot.

(d) Coverage. All components including mechanical equipment of a ground mounted ASES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying Zoning District.

(e) Stormwater Management

[1] Stormwater runoff from an ASES shall be managed in accordance with the requirements of the Borough of Waynesboro Stormwater Management Ordinance.

[2] Where Solar Panels are mounted above the ground surface allowing for vegetation below the panels, the horizontal area of the panel may be considered a Disconnected Impervious Area ("DIA") and therefore, will have no increase from the pre-development to post-development runoff coefficient. The horizontal area of the panel can only be considered a DIA if the following conditions apply:

(i) Where natural vegetative cover is preserved and/or restored utilizing low impact construction techniques from the Pennsylvania Department of Environmental Protection Stormwater Best Management Practices Manual, including, but not limited to the following: minimizing the total disturbed area, minimizing soil compaction in disturbed areas, and re-vegetating and re-foresting disturbed areas using native species.

(ii) Where the vegetative cover has a minimum uniform 90% perennial vegetative cover with a density capable of resisting accelerated erosion and sedimentation.

(A) For panels located on slopes of 0 to 5% a minimum four (4) inch height of vegetative cover shall be maintained.

(B) For panels located on slopes between 5% and 10% a meadow condition shall be maintained.

(C) Panels located on slopes between 10% and 15% cannot be considered DIA.

(D) Solar Panels located on slopes over 15% are not permitted.

(E) Vegetated areas shall not be subject to chemical fertilization or herbicide/pesticides application, except for those applications necessary to establish the vegetative cover or to prevent invasive species and in accordance with an approved Erosion and Sediment Control Plan.

(F) Agrivoltaics, the co-development of the same area of land for both solar photovoltaic power and conventional agriculture, may be used provided that:

1. Only shade tolerant crops may be used;
2. Crops must be no tilled in;
3. A written erosion and sediment control plan must be developed for agricultural plowing or tilling activities or a portion of the overall farm conservation plan must identify BMPs used;
4. Any cutting or mowing of the agricultural crop is limited to a height of no less than four (4) inches; and
5. Application of chemical fertilization or herbicides/pesticides is limited to the agronomic needs to the crop(s).

(iii) Where the Solar Panels within a Solar Array are arranged in a fashion that:

(A) Allows the passage of runoff between each Solar Panel, thereby minimizing the creation of concentrated runoff.

(B) Allows for the growth of vegetation beneath the panel and between the Solar Arrays.

(iv) Where the length of the receiving, overland, vegetated area, downhill of each Solar Arrays is equal to or greater than the contributing, maximum, combined, horizontal length of the Solar Arrays. The grass area below each Solar Array shall not be considered in the length of the receiving, overland, vegetated area.

(v) Where the contribution flow path or total combined horizontal length of a Solar Array is less than seventy-five (75) feet.

(vi) Where less than 5% of the horizontal area of the Solar Panels themselves are disturbed and/or covered by the ground mounted support structures of foundation.

(vii) Where the lowest vertical clearance along the drip edge or drip line of all Solar Panels within a Solar Array is ten (10) feet or less from the surface of the ground but an adequate height to promote vegetative growth below the Solar Array.

(viii) Where the drip edge or drip line of the Solar Panels are mounted level to promote sheet flow discharge unless no more than 500 square feet of contributing surface will discharge to any one point, in which case a spreading device is required for the concentrated discharges.

[3] The horizontal area of any Solar Panel or Solar Array that cannot meet all the conditions to be considered DIA, shall be treated as impervious area. These areas shall be included in the pre-development to post-development runoff analysis as impervious area to determine the need for Post Construction Stormwater Management ("PCSM") Best Management Practices.

(i) Use of gravel is permissible under a panel or in the receiving downhill flow path; however, the use of gravel would not allow the horizontal area of the Solar Panel or Solar Array to be considered as a DIA.

(ii) All impervious areas associated with the ASES such as roadways and support buildings cannot be considered a DIA and shall follow normal protocols when performing the PCSM stormwater analysis.

(iii) When the ground mounted Solar Panels cannot meet the conditions to be considered a DIA, the impervious area shall be analyzed using the Industrial Land Use Description with Runoff Curve Numbers between 81 for Hydraulic Soil Group A and 93 for Hydraulic Soil Group D.

(f) Screening. Ground mounted ASES shall be screened in accordance with the Buffer Strip General Regulations in this Ordinance from any adjacent property that is residentially zoned or used for residential purposes.

(g) Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.

(h) Ground-mounted ASES shall not be placed within any legal easement or right-of-way or be placed within any stream or storm water conveyance system, unless the Applicant can demonstrate, to the satisfaction of the Borough, that the ASES will not impede stormwater management, or in any other manner alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

B. PRINCIPAL SOLAR ENERGY SYSTEMS (PSES):

(1) Criteria Applicable to All PSESs:

(a) 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 standards Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center Energy Research Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Borough of Waynesboro 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.

(b) All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

(c) Solar Energy System Connections shall be placed underground unless:

[1] The electric lines will be placed on existing utility poles that host existing electric, cable, or telephone lines; or

[2] The Applicant can demonstrate, to the satisfaction of the Borough, that it is not possible to place the connection underground, in which case, only the portion of the line which is not capable of placement underground, as determined by the Borough, may be placed above ground.

(d) No portion of the PSES 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 PSES provided they comply with the prevailing sign regulations.

(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 significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

(f) The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project on any and all entrances to the facility. This

same information shall be provided to the Borough. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.

(g) Decommissioning

[1] The PSES owner is required to notify the Borough immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.

[2] The PSES owner shall then have twelve (12) months 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, solar energy system connections and other associated facilities.

[3] To the extent possible the materials shall be re-sold or salvaged. Materials that cannot be re-sold or salvaged shall be disposed of at facility authorized to dispose of such materials by federal or state law.

[4] Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards.

[5] Any access drive paved aprons from public roads shall remain for future use.

[6] The PSES site area shall be restored to its pre-existing condition, suitable for its prior use, except the landowner may authorize, in writing, any buffer landscaping or access roads installed to accommodate the PSES to remain.

[7] Any necessary permits, such as Erosion and Sedimentation and NPDES permits, shall be obtained prior to decommissioning activities.

[8] At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the Borough to secure its obligations under this Section.

(i) The PSES Developer shall, at the time of application, provide the Borough with an estimate of the cost of performing the decommissioning activities required herein, together with an

administrative and inflation factor of 25% to account for the cost of obtaining permits to complete said activities.

(ii) On every 5th anniversary of the date of providing the decommissioning financial security the PSES Owner shall provide an updated decommission cost estimate, utilizing the formula set forth above with adjustments for inflation and cost changes. If the decommissioning security amount changes, the PSES Owner shall remit the increased financial security to the Borough within thirty (30) days of the approval of the updated decommissioning security estimate by the Borough.

(iii) Decommissioning security estimates shall be subject to review and approval by the Borough and the PSES Developer/ Owner shall be responsible for administrative, legal, and engineering costs incurred by the Borough for such review.

(iv) At no time shall the financial security be an amount less than $500,000.00.

(v) The decommissioning security may be in the form of cash, letter of credit, or an investment grade corporate guarantee rated BBB-/Baa3 or better by S&P, Moody's, or AM Best, as applicable.

(vi) Prior to approval of any plan or permit for a PSES, the PSES Developer shall enter into a Decommissioning Agreement with the Borough outlining the responsibility of the parties under this Agreement as to the Decommissioning of the PSES.

(h) Permit Requirements

[1] PSES shall comply with the Borough's SALDO requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.

[2] The PSES owner and/or operator shall repair, maintain, and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.

(i) Setbacks. Except as specifically altered herein, a PSES shall meet the setback requirements of the underlying zoning district.

[1] All PSES shall be setback no less than two hundred (200) feet from a Residential (R) District Boundary; and

[2] All PSES shall be setback no less than two hundred (200) feet from the lot line of a lot on which a residential dwelling is located.

The enhanced setback set forth above shall be measured from the district boundary to the fence enclosing a ground mounted PSES or to the structure on which a roof or wall mounted PSES is attached.

(2) Criteria for Ground Mounted Principal Solar Energy Systems: In addition to the applicable PSES standards the following criteria shall be complied with:

(a) Security

[1] All ground-mounted PSESs shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.

[2] 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.

(b) Access

[1] At a minimum, a twenty-five (25) foot wide access road must be provided from a state or borough roadway to the PSES site.

[2] At a minimum, a twenty (20) foot wide cartway shall be provided between the solar array rows to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it measured at its greatest parallel width.

[3] Access to the PSES shall comply with the municipal access requirements in the SALDO.

(c) Height. Ground mounted PSES shall not exceed fifteen (15) feet in height above the ground elevation surrounding the systems.

(d) The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.

(e) The applicant must provide written comments from the relevant electric company regarding the capacity of the existing transmission lines envisioned to receive the electricity generated from the utility-scale solar facility. Proof of application for interconnection to the existing electricity system is required

(f) Stormwater Management

[1] Stormwater runoff from an PSES shall be managed in accordance with the requirements of the Borough of Waynesboro Stormwater Management Ordinance.

[2] Where Solar Panels are mounted above the ground surface allowing for vegetation below the panels, the horizontal area of the panel may be considered a Disconnected Impervious Area ("DIA") and therefore, will have no increase from the pre-development to post-development runoff coefficient. The horizontal area of the panel can only be considered a DIA if the following conditions apply:

(i) Where natural vegetative cover is preserved and/or restored utilizing low impact construction techniques from the Pennsylvania Department of Environmental Protection Stormwater Best Management Practices Manual, including, but not limited to the following: minimizing the total disturbed area, minimizing soil compaction in disturbed areas, and re-vegetating and re-foresting disturbed areas using native species.

(ii) Where the vegetative cover has a minimum uniform 90% perennial vegetative cover with a density capable of resisting accelerated erosion and sedimentation.

(A) For panels located on slopes of 0 to 5% a minimum four (4) inch height of vegetative cover shall be maintained.

(B) For panels located on slopes between 5% and 10% a meadow condition shall be maintained.

(C) Panels located on slopes between 10% and 15% cannot be considered DIA.

(D) Solar Panels located on slopes over 15% are not permitted.

(E) Vegetated areas shall not be subject to chemical fertilization or herbicide/pesticides application, except for those applications necessary to establish the vegetative cover or to prevent invasive species and in accordance with an approved Erosion and Sediment Control Plan.

(F) Agrivoltaics, the co-development of the same area of land for both solar photovoltaic power and conventional agriculture, may be used provided that:

1. Only shade tolerant crops may be used;
2. Crops must be no tilled in;
3. A written erosion and sediment control plan must be developed for agricultural plowing or tilling activities or a portion of the overall farm conservation plan must identify BMPs used;
4. Any cutting or mowing of the agricultural crop is limited to a height of no less than four (4) inches; and
5. Application of chemical fertilization or herbicides/pesticides is limited to the agronomic needs to the crop(s).

(iii) Where the Solar Panels within a Solar Array are arranged in a fashion that:

(A) Allows the passage of runoff between each Solar Panel, thereby minimizing the creation of concentrated runoff.

(B) Allows for the growth of vegetation beneath the panel and between the Solar Arrays.

(iv) Where the length of the receiving, overland, vegetated area, downhill of each Solar Arrays is equal to or greater than the contributing, maximum, combined, horizontal length of the Solar Arrays. The grass area below each Solar Array shall not be considered in the length of the receiving, overland, vegetated area.

(v) Where the contribution flow path or total combined horizontal length of a Solar Array is less than seventy-five (75) feet.

(vi) Where less than 5% of the horizontal area of the Solar Panels themselves are disturbed and/or covered by the ground mounted support structures of foundation.

(vii) Where the lowest vertical clearance along the drip edge or drip line of all Solar Panels within a Solar Array is ten (10) feet or less from the surface of the ground but an adequate height to promote vegetative growth below the Solar Array.

(viii) Where the drip edge or drip line of the Solar Panels are mounted level to promote sheet flow discharge unless no more than 500 square feet of contributing surface will discharge to any one point, in which case a spreading device is required for the concentrated discharges.

[3] The horizontal area of any Solar Panel or Solar Array that cannot meet all the conditions to be considered DIA, shall be treated as impervious area. These areas shall be included in the pre-development to post-development runoff analysis as impervious area to determine the need for Post Construction Stormwater Management ("PCSM") Best Management Practices.

(i) Use of gravel is permissible under a panel or in the receiving downhill flow path; however, the use of gravel would not allow the horizontal area of the Solar Panel or Solar Array to be considered as a DIA.

(ii) All impervious areas associated with the PSES such as roadways and support buildings cannot be considered a DIA and shall follow normal protocols when performing the PCSM stormwater analysis.

(iii) When the ground mounted Solar Panels cannot meet the conditions to be considered a DIA, the impervious area shall be analyzed using the Industrial Land Use Description with Runoff Curve Numbers between 81 for Hydraulic Soil Group A and 93 for Hydraulic Soil Group D.

(g) Screening and buffering for ground mounted PSES. All ground mounted PSES shall be screened and buffered in accordance with the following standards:

[1] Plant screening shall be installed around the perimeter of the PSES. Existing trees within the required screening and buffer area set forth below should be incorporated into the required screening and buffer.

[2] The plant screening shall be installed along the exterior side of the fencing required by Section B.(2)(a)[1] above. All required plant screening shall be located within fifty (50) feet of the required fencing.

[3] Plant screening shall be depicted in accordance with the Landscape Plan required by the SALDO.

(h) Plant screening shall be designed in accordance with the following standards:

[1] All materials shall reach a minimum height of six feet above finished grade of land at site of planting within two years of planting.

[2] Planting materials shall be permanently maintained in order to ensure effective screening and replaced when necessary.

[3] Vegetative screen must be comprised of plant material that will provide a minimum opacity of 80% in winter and 80% in summer.

[4] Plant screening shall be designed to emulate the mix of species and appearance of existing tree lines, hedge rows, and wooded areas already in existence within the landscape where the PSES is proposed. The applicant shall, as a component of the Landscape Plan, assess the species mix and characteristics found in existing tree lines, hedge rows, and wooded areas surrounding the PSES and document that the plant screening is designed to emulate these characteristics.

[5] The primary use of evergreen trees shall not be permitted, and a monotonous straight row of the same species, particularly evergreen trees, is specifically prohibited.

[6] Earth berms may be intermixed with the plant screening as a method to enhance screening of the PSES facility. The plant screening area shall retain the topographic characteristics of the setting.

(3) Criteria for Roof and Wall Mounted Principal Solar Energy Systems: In addition to the applicable PSES standards the following criteria shall be complied with.

(a) Plans shall comply with the Uniform Construction Code and adopted building code of the Borough showing that the roof or wall is capable of holding the load imposed on the structure. Applicant shall provide evidence of equitable interest in property.

(b) A Sketch Plan, as required in Chapter 250 of the Code as amended, is required which accurately depicts all relevant features of the proposed project necessary to determine compliance with this Ordinance and any other ordinances as they may apply.

SECTION 3: Section 295-21(B) of the Code, entitled "Institutional District Use Regulations", is hereby amended as follows:

Subsection B (1) entitled "Uses by right", shall be amended to include: "(n) "Principal Solar Energy Systems" as permitted uses by right.

SECTION 4: Repealer. All provisions of previous Ordinances of the Borough of Waynesboro which are contrary to this Ordinance are expressly repealed.

SECTION 5: Savings Clause. In all other respects, the Code of the Borough of Waynesboro shall remain as previously enacted and ordained.

SECTION 6: Severability Clause. If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 7: Effective Date. This Ordinance shall become effective immediately.

ENACTED, ORDAINED, AND APPROVED this 16th day of June 2021.

Borough Council of the Borough of
Waynesboro, Franklin County, Pennsylvania

By: _____
C. Harold Mumma, President

ATTEST:

_____
Melinda Knott, Secretary

_____
Mayor of the Borough of Waynesboro