

## ARTICLE 7

### SUPPLEMENTARY REGULATIONS

#### SECTION 7.1 PURPOSE

The following Supplementary Regulations shall apply throughout the Municipality unless otherwise specified in other sections of this Zoning Ordinance.

#### SECTION 7.2 ACCESSORY BUILDING / STRUCTURE REGULATIONS

- A. In any Residential District and the AR – Agricultural / Residential District an accessory building or accessory structure may be located in any required side or rear yard provided:
  - 1. Such accessory building or accessory structure shall not exceed one story or be more than twenty (20) feet in height.
  - 2. Such accessory building or accessory structure shall be set back five (5) feet from any lot line.
  - 3. All such accessory buildings or accessory structures in the aggregate shall not occupy more than thirty percent (30%) of the area of the required rear or side yard where it is located.
- B. Accessory buildings or accessory structures constructed at the same time may be located in pairs or groups on contiguous lots in the required rear or side yard along the common side lot line or rear lot line.
- C. In the I – Industrial District, the C – Commercial District, and the C/I – Commercial / Industrial District accessory buildings or accessory structures shall be located no closer than ten (10) feet to any side or rear property line.
- D. When an accessory building or accessory structure is attached to the principal building it shall comply with all respects with the requirements of this Ordinance applicable to the principal building.
- E. An accessory building or accessory structure on that portion of a lot not included in any required yard shall conform to the height regulations for principal buildings.
- F. No accessory building or accessory structure shall project nearer to the street on which the principal building fronts than the minimum building setback distance for the principal building.
- G. Wind Energy Conversion Systems (WECS) as a renewable energy source are permitted as an accessory use in the Agricultural/Residential District and the Industrial District

provided that no part of the structure shall be closer to any property line than its total height.

### SECTION 7.3 AGRICULTURAL AND RELATED USE REGULATIONS

- A. Agriculture Farms and Gardening: The tilling of the soil, raising crops, the keeping of livestock, poultry, and the processing of dairy products, horticulture and gardening shall be permitted in any district; providing that only gardening, incidental to residential uses, shall be permitted on improved lots located in a subdivision plan approved by the Municipality.
- B. Animals and Horticulture: In districts where permitted, operations involving the use of buildings and land for farming, nurseries, and greenhouses, riding academies, livery or boarding stables, dog kennels, animal hospitals, stock raising, dairying and poultry shall be subject to the following safeguards and regulations:
  - 1. New buildings in which animals or poultry are proposed to be housed shall not hereafter be erected within three hundred (300) feet of any lot line. Existing buildings currently used or intended to be used to house animals or poultry may be located within 300 feet of a lot line provided that the building is not closer to the lot line than the building setback requirements of the applicable zoning district.
  - 2. The stock piling or storage of manure or odor or dust producing substance shall not be permitted within three hundred (300) feet from any lot line.
  - 3. The tilling of the soil, spreading of fertilizer, and the grazing of animals (other than pigs and poultry) shall be permitted up to the lot line when incidental to a permitted use.
  - 4. The heating plant of a commercial greenhouse shall not be located within one hundred (100) feet of any lot line.
  - 5. Buildings used for dog kennels and animal hospitals, including exercise yards, shall not hereafter be erected within one hundred (100) feet of any off-premise dwelling.
- C. All livestock and poultry operations shall be subject to the “Guilford Township Livestock and Poultry Manure Management Ordinance”, Ordinance 94-2, as amended.
- D. Any property where the development rights are sold through the Agricultural Easement Program may be used in accordance with the requirements of Zoning Ordinance Section 3.1 (A/R) Agricultural/Residential District. Similarly, any property in an Agricultural Security Area in accordance with the Agricultural Security Law; Act 19 of 2013, effective June 24, 2013, may conduct retail sales of seasonal agricultural commodities in a building, and in a manner that complies with HB 176 – now Act 35 of 2017.

### SECTION 7.4 HEIGHT REGULATIONS

- A. Where a lot has frontage on two or more streets or other public right-of-way, the height limitation shall apply only as measured from the curb level along the street or way with a

higher elevation above sea level.

- B. Chimneys, flues, towers, spires, cupola domes, pole masts, antennas, barns, and silos shall be exempt from height limitations of this Ordinance provided their location is not in the required yard.

#### SECTION 7.5 HOME OCCUPATIONS AND NO-IMPACT HOME BASED BUSINESSES

- A. Only one home occupation may be established per premises.
- B. The home occupation shall be carried on completely within only a single-family detached dwelling or accessory building thereto.
- C. No more than two (2) persons other than the occupants of the dwelling unit shall be employed.
- D. The home occupation whether located in the principal dwelling and/or an accessory building there to, shall not occupy a total space of more than thirty percent (30%) of the floor area of the principal dwelling.
- E. There shall be no exterior display of sign (except as permitted in the regulation of signs in this Ordinance), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building.
- F. A home occupation may include: craft shops; art studios; dressmaking or millinery; barbershop; beauty parlor; teaching; music or dance instruction limited to three pupils at a time; real estate or insurance office; the professional office of a dentist, physician, lawyer, engineer, planner, accountant, architect; home telephone sales; or any other activities of a similar nature.
- G. Off-street parking shall comply with the applicable provisions of Article 5.
- H. A No-Impact Home Based Business as defined herein shall be permitted when in compliance with the following requirements set forth in The Act:
  - 1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  - 2. The business shall employ no employees other than family members residing in the dwelling.
  - 3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
  - 4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

#### SECTION 7.6 PRIVATE OUTDOOR SWIMMING POOLS

A. A land use permit and a building permit shall be required for the installation or construction of a private outdoor swimming pool on the same lot as the principal residence subject to the following conditions:

1. Such pool may be erected in the required rear yard, but not in the required side yard or front yard.
2. The water's edge of such pool shall not be located nearer than twenty (20) feet to any lot line for an in-ground pool or nearer than fifteen (15) feet for an above-ground pool.
3. Any such pool with a surface area of one hundred fifty (150) square feet or more or a depth in excess of two (2) feet shall be completely surrounded by a fence or wall that is not less than four (4) feet in height. All gates or doors opening through said fence shall be erected, maintained and provided with a self-closing, self-locking gate to prevent unauthorized use of the pool and to prevent accidents. However, if said pool is located more than four (4) feet above the ground level, then a fence is not required, provided that all points of access to said pool are adequately protected. A swimming pool with a power safety cover or a spa with a safety cover complying with Section 3109.4 of the 2000 International Building Code, as amended, and ASTM F 1346 shall be excepted from the fencing requirements herein.
4. Portable wading pools less than the area and depth requirements of item 3 above shall be exempt.

#### SECTION 7.7 YARD AND LOT REGULATIONS

A. On Corner Lots:

1. Front yards are required on both street frontages, and one yard other than the front yards shall be deemed to be a rear yard, and the other (or others) side yards. This requirement shall not apply to double tiered lots provided the clear sight triangle is maintained.
2. No obstructions to vision exceeding thirty (30) inches in height above curb level shall

be erected or maintained within a seventy-five (75) foot clear sight triangle formed by the centerline of intersecting streets.

B. Front Yard Exception:

No proposed dwelling need have a setback greater than the average of the two (2) existing dwellings with the greatest setbacks located within one hundred (100) feet on each side of the said proposed dwelling, on the same side of the street, within the same block, and the same district. However, in no event shall the front yard be less than ten (10) feet.

C. Projections Into Required Yards:

1. Cornices, canopies, eaves or other architectural features may project into side yards a distance not exceeding two (2) inches per one (1) foot of the side yard width but may not exceed a total of three (3) feet.
2. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding three (3) feet.
3. For single-family dwellings and carports, patios and open porches may be located in the side and rear yards, but no closer than five (5) to any adjacent property line. If located closer than ten (10) feet to any adjacent property line, they shall be screened in accordance with the provision of this Ordinance. In the case of a corner lot, no carports, patios, or open porches shall extend into the required yard adjoining each street.

D. Existing Small Lots:

A lot owned individually and separately and separated in ownership from any adjoining tracts of land on the effective date of this Ordinance and subsequent amendments which has a total lot area or lot width less than prescribed in this Ordinance, may be used for a permitted use provided such lot shall be developed in conformity with all applicable district regulations other than the minimum lot area, lot width and side yards and may be used for a conditional use or special exception provided the required zoning approvals are secured within one year from the effective date of this Ordinance. Existing small lots meeting the above stipulations shall comply with the following:

1. Side yards shall be a minimum of eight (8) feet.
2. Rear yard shall be a minimum of ten (10) feet.
3. Front yard shall be in accordance with Section 7.7.B.

E. Through Lots:

Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages. However, in the event of a complete system of through lots, which are designed for reversed frontage, the front yard need only be along the more minor street of the subdivision.

F. Waiver of Yards:

No side yard or rear yard shall be required where such yard abuts an operating railroad right-of-way.

SECTION 7.8 UNENCLOSED STORAGE

- A. The storage of disabled motor vehicles on private property shall be in accordance with Guilford Township Ordinance No. 96-8, as amended.
- B. No more than one (1) mobile home, trailer, semi-trailer, or boat may be stored but not occupied in any Residential District and shall not be located within the required front or side yard area.
- C. In all zones, no outdoor stockpiling of any material is permitted in the front yard. In any Residential Zone, the outdoor stockpiling of materials (except firewood) for more than one (1) year is prohibited.
- D. Trash, Garbage, Refuse, or Junk - The outdoor accumulation of trash, garbage, refuse, or junk shall be subject to the requirements of Guilford township Ordinance 2000-07.
- E. Dumpsters - All trash dumpsters shall be located within a side or rear yard, and be screened from adjoining roads and properties, except at warehouse facilities where unscreened dumpsters may be placed at any loading dock door opening.
- F. Domestic Composts - The placement of framed enclosure composts as an accessory residential use is permitted, subject to all accessory use setbacks. Only waste materials from the residential site shall be deposited within the compost, and in no case shall meat, or meat by-products, be composted. All composts shall be properly maintained so as not to become a nuisance to nearby properties.

SECTION 7.9 HOMES ASSOCIATION

- A. Whenever a developer or owner proposes to provide land or structures for the benefit of only particular homeowners of a project such as usable open space and active play areas, a Homes Association shall be established in accordance with the following provisions:
  - 1. The Homes Association shall be established as an incorporated, organization operating under recorded land agreements through which each lot owner (and any succeeding owner) is automatically a member, and each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities. Additionally, specific provisions shall be established which define completely all

membership requirements of all non-lot owners in the event rental units are included in the project.

2. The Homes Association's Declaration of Covenants, Conditions, and Restrictions shall as a minimum establish the following:
  - a. Property Rights including the owner's easements of enjoyment and delegation of use.
  - b. Membership and Voting Rights including any distinction between membership classes.
  - c. Covenant for Maintenance Assessments including the creation of the lien and personal obligation of assessments, purpose of assessments, the maximum annual assessments, special assessments for capital improvements, uniform rate of assessment, due dates, effect of non-payment of assessments, and subordination of the lien to mortgages.
  - d. Architectural and Exterior Maintenance Control.
  - e. General Provisions including enforcement, amendments, and property annexation procedures.

#### SECTION 7.10 PERFORMANCE STANDARDS

All uses within the Township must operate in compliance with applicable State and Federal regulations, as they are periodically amended. The following lists known governmental regulations associated with various land use impacts.

- A. Noise Pollution and Vibration: Rules and Regulations of the Pennsylvania Department of Environmental Protection;
- B. Air Pollution, Airborne Emissions and Odor: Rules and Regulations of the Pennsylvania Department of Environmental Protection;
- C. Water Pollution: The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691.1, as amended;
- D. Mine Reclamation and Open Pit Setback: Pennsylvania Act No. 1984-219, the "Non-coal Surface Mining Conservation and Reclamation Act";
- E. Glare and Heat: ARules and Regulations of the Pennsylvania Department of Environmental Protection;
- F. Handicap Access: The latest version of the American Disabilities Act; and,
- G. RESERVED
- H. Act of May 31, 1945 (P.L.1198, No.418), know as the "Surface Mining Conservation and

Reclamation Act”.

- I. Act of December 19, 1984 (P.L.1140, No.223), known as the “Oil and Gas Act”.
- J. Act of June 30, 1981 (P.L.128, No.43), known as the “Agricultural Area Security Law”.
- K. Act of June 10, 1982 (P.L.454, No.133), entitled “An Act Protecting Agricultural Operations from Nuisance Suits and Ordinances Under Certain Circumstances”.
- L. Act of May 20, 1993 (P.L.12, No.6), known as the “Nutrient Management Act”.
- M. Act of 1968, P.L. 805, No. 247, known as the “Pennsylvania Municipalities Planning Code”
- N. Act 45 of 1999 (35 PS 7210.101 – 7210.1103) known as the “Pennsylvania Construction Code Act.

#### SECTION 7.11 PROHIBITED USES

- A. The primary living and sleeping quarters of dwelling units shall not be permitted in cellars.
- B. Dumps and dumping of any kind, other than an approved sanitary landfill.
- C. Race tracks for stock cars and other motorized vehicle racing.
- D. Head Shop

#### SECTION 7.12 USES NOT PROVIDED FOR

In any district established by this Ordinance, when a specific use is neither permitted nor denied, the Zoning Hearing Board shall make a determination as to the similarity or compatibility of the use in question to the permitted uses in the district. If the use not specifically provided for is determined by the Board to be compatible, a permit may be authorized. No zoning permit shall be issued by the Zoning Officer for any unspecified use until this positive determination has been made and recorded in the official records of the Board.

#### SECTION 7.13 TEMPORARY USES

Upon application to the Township, a temporary use may be granted for the following subject to terms and conditions established by the Township in keeping with the spirit, intent, and objectives of this Ordinance:

- A. Temporary amusement parks, expositions, and carnivals.
- B. Temporary housing and shelter caused by damage to source of principal occupancy.



- C. Temporary signage for temporary uses.
- D. Temporary housing for seasonal agricultural laborers in compliance with 29 CFR (Code of Federal Regulations) Part 500, the U.S. Citizenship and Immigration Services (USCIS), and Pennsylvania Code; Chapter 82, as amended. is permitted at the following locations:
  - 1. The C – Commercial Zoning District.
  - 2. On property that is used for agricultural purposes, provided the proposed temporary housing structure is at least one hundred (100) feet from any residentially occupied structure on an adjoining property.
  - 3. On a property that adjoins property being used for agricultural purposes, provide the proposed temporary housing structure is at least one hundred (100) feet from any residentially occupied structure on property not used for agricultural purposes.

#### SECTION 7.14 REAL ESTATE SALES OFFICE:

A real estate sales office shall be permitted as an accessory use to any residential development in excess of fifteen lots or dwelling units subject to the applicable signage and off-street parking requirements provided herein.

#### SECTION 7.15 ACCESSORY SOLAR ENERGY SYSTEMS (ASES):

- 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 Guilford Township, and with all other applicable fire and life safety requirements.
    - c. Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Guilford Township 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 Guilford Township in accordance with applicable ordinances.

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

## 2. Glare

- a. All ASESs shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
- b. 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.

## 3. Decommissioning

- a. 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.
- b. 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.
- c. The ASES owner shall, at the request of the Township, provide information concerning the amount of energy generated by the ASES in the last 12 months.

## 4. Permit Requirements

- a. 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.
- b. 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.

## B. Roof mounted and wall mounted accessory solar energy systems:

1. A roof mounted or wall mounted ASES may be located on a principal or accessory building.
2. All equipment related to a Roof Mounted ASES must be between the building's

roof surface and a plane that is parallel to, and three (3) feet above the roof's surface.

3. Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
4. Solar panels shall not extend beyond any portion of the roof edge.
5. The plans shall comply with the Uniform Construction Code and adopted building code of the Township, showing that the roof or wall is capable of holding the load imposed on the structure.

C. Ground mounted accessory solar energy systems:

1. Setbacks. ASES shall comply with the setbacks of the underlying zoning districts for principal structures.
2. Height. Ground mounted ASES shall not exceed 15 feet in height above the ground elevation surrounding the systems.
3. 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.
4. Screening. Ground mounted ASES shall be screened as defined in this Ordinance from any adjacent property that is residentially zoned or used for residential purposes in accordance with the screening requirements of the Zoning Ordinance.
5. 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.
6. 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.

SECTION 7.16 PRINCIPAL SOLAR ENERGY SYSTEMS (PSES):

A. General requirements for roof and wall mounted Principal Solar Energy Systems:

1. Plans shall comply with the Uniform Construction Code and adopted building code of the Township 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.

2. A Sketch Plan, as required in Section 302 of Ordinance 99-1 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.

B. General requirements for Ground Mounted Principal Solar Energy Systems:

1. PSES (includes the PSES, solar related equipment, and required fencing) may not occupy more than 35 percent (35%) of the lot on which the PSES is to be located.
2. A Plan must be submitted that meets the requirements of Article IV of the Guilford Township Subdivision and Land Development Ordinance (SALDO) (Ordinance 99-1, as amended) and depicts any additional relevant features necessary to determine compliance with this ordinance and any other ordinances as they may apply.

C. Criteria Applicable to All PSESs:

1. 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 Energy Research Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Guilford Township 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.
2. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
3. Solar Energy System Connections shall be placed underground unless:
  - i. The electric lines will be placed on existing utility poles that host existing electric, cable, or telephone lines; or
  - ii. The Applicant can demonstrate, to the satisfaction of the Township, 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 Township, may be placed above ground.
4. 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.

5. Glare

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

6. 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 Township. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.

7. Decommissioning

- i. The PSES owner is required to notify the Township 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.
- ii. 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.
- iii. 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 a facility authorized to dispose of such materials by federal or state law.
- iv. Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards.
- v. Any access drive paved aprons from public roads shall remain for future use.

- vi. 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.
- vii. Any necessary permits, such as Erosion and Sedimentation and NPDES permits, shall be obtained prior to decommissioning activities.
- viii. 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 Township to secure its obligations under this Section.
  - (a) The PSES Developer shall, at the time of application, provide the Township 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.
  - (b) On every 5<sup>th</sup> 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 Township within 30 days of the approval of the updated decommissioning security estimate by the Township.
  - (c) Decommissioning security estimates shall be subject to review and approval by the Township and the PSES Developer/ Owner shall be responsible for administrative, legal, and engineering costs incurred by the Township for such review.
  - (d) At no time shall the financial security be an amount less than \$500,000.00.
  - (e) 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.
  - (f) Prior to approval of any plan or permit for a PSES, the PSES Developer shall enter into a Decommissioning Agreement with the

Township outlining the responsibility of the parties under this Agreement as to the Decommissioning of the PSES.

#### 8. Permit Requirements

- i. PSES shall comply with the Township subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
- ii. 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.

#### 9. Setbacks. Except as specifically altered herein, a PSES shall meet the setback requirements of the underlying zoning district.

- i. In the A/R – Agricultural/Residential zoning district all PSES shall be setback as follows:
  - (a) No less than One Thousand (1,000) Feet from any Residential District Boundary; and
  - (b) No less than One Thousand (1,000) Feet from the lot line of any Township owned park and recreational property.
  - (c) No less than Three Hundred (300) Feet from the lot line of a lot on which a residential dwelling is located, and
  - (d) The setback shall be measured from the district boundary or lot line to the fence enclosing a ground mounted PSES.
- ii. In the I-Industrial zoning district, a Roof Mounted PSES must comply with the following:
  - (a) The PSES may only be constructed on the principal building; and
  - (b) The PSES may not extend beyond any portion of the principal building's roof edge; and
  - (c) All equipment related to a Roof Mounted PSES must be between the principal building's roof surface and a plane that is parallel to, and three (3) feet above the roof's surface.

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

#### 1. Security

- i. All ground-mounted PSESs shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
  - 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.
2. Access
  - i. At a minimum, a 25' wide access road must be provided from a state or township roadway to the PSES site.
  - ii. At a minimum, a 20' 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.
  - iii. Access to the PSES shall comply with the municipal access requirements in the Subdivision and Land Development Ordinance.
3. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.
4. Screening and buffering for ground mounted PSES. All ground mounted PSES shall be screened and buffered in accordance with the following standards:
  - i. 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.
  - ii. The plant screening shall be installed along the exterior side of the fencing required by Section 1.i above. All required plant screening shall be located within fifty (50) feet of the required fencing.
  - iii. Plant screening shall be depicted in accordance with the Landscape Plan required in Section 513.D(8) of Ordinance 99-1, as amended.
5. Plant screening shall be designed in accordance with Section 513.C, with the exception of the following standards, which shall be deemed to supersede specific requirements of Section 513.C.



- i. 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.
- ii. 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.
- iii. 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.

E. Criteria for Roof and Wall Mounted Principal Solar Energy Systems: Shall comply with the applicable PSES standards.

#### SECTION 7.17 GUILFORD PENINSULA OVERLAY ZONE:

Where upon property in single ownership lies both in Guilford Township and the Borough of Chambersburg with the majority of the property situate in the Borough of Chambersburg, that portion of the property situate in Guilford Township may be developed in accordance with the applicable zoning requirements of the Borough of Chambersburg provided the entire property is proposed to be developed as a uniform project in terms of identical land use, lot area, setbacks, off-street parking and other applicable zoning standards of the Borough of Chambersburg. Such property shall be subject to the following criteria:

- A. The Borough of Chambersburg has valid zoning regulations in effect which are applicable to the proposed project.
- B. All required zoning approvals from the Borough of Chambersburg have been granted for the proposed project and appropriately verified to Guilford Township.
- C. For that portion of the proposed project situated in Guilford Township, Guilford Township Buffer Yard requirements shall be applicable.

SECTION 7.18 TRANSITIONAL A/R – AGRICULTURAL/RESIDENTIAL ZONING  
OVERLAY DISTRICT

1. The Transitional Zoning Overlay District is only applicable to land located within the A/R-Agricultural/Residential zoning districts shown on the Official Guilford Township Zoning Map.
2. Delineation of the Transitional Zoning Overlay District. The area zoned A/R that is within one thousand (1000') feet of any Residential zoning district boundary shown on the Official Guilford Township Zoning Map.
3. Overlay Concept.
  - A. The Transitional Zoning Overlay District described above shall be an overlay to the existing underlying A/R-Agricultural/Residential zoning districts as shown on the Official Guilford Township Zoning Map, and as such, the provisions for the Transitional Zoning Overlay District shall serve as a supplement to the underlying district provisions.
  - B. Where there happens to be any conflict between provisions or requirements of any of the Transitional Zoning Overlay District provisions and those of the underlying A/R-Agricultural/Residential zoning district as shown on the Official Guilford Township Zoning Map, the more restrictive provisions shall apply.
4. Zoning Map. The boundaries of the Transitional Zoning Overlay District are established as incorporated into the Official Guilford Township Zoning Map. Refer to Article I, Section 105, entitled "Interpretation", as contained in this Ordinance.
5. Interpretation of Overlay Boundaries. Initial interpretation of the boundaries of the Transitional Zoning 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.
6. The following uses are not permitted within the Transitional Zoning Overlay District:
  - A. Principal Solar Energy Systems (PSES)
  - B. Principal Wind Energy Facilities (PWEF)
  - C. Sanitary Landfills
  - D. Surface Mining
  - E. Junk Yards subject to the Guilford Township Junk Yard Ordinance