

COVINGTON TOWNSHIP ORDINANCE NO. 2025-04

AN ORDINANCE AMENDING THE COVINGTON TOWNSHIP ZONING ORDINANCE OF 1989, AND ALL SUBSEQUENT AMENDMENTS, TO ESTABLISH THE ZONING FOR LARGE SCALE SOLAR ELECTRICITY ENERGY FACILITIES WHILE PROVIDING FOR THE PROTECTION OF THE PUBLIC'S HEALTH, SAFETY, MORALS, AND GENERAL WELFARE

NOW BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Covington Township (the "Township"), Lackawanna County, Pennsylvania, by the authority of and pursuant to the provisions of Act of July 31, 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, as reenacted and amended, known and cited as the Pennsylvania Municipalities Planning Code, that the Covington Township Zoning Ordinance, as amended, is hereby further amended as follows:

SECTION I - PURPOSE

The purpose of this ordinance is to amend the zoning ordinance that it provides for large scale solar electric energy facilities in M-1 Zone and Data Center and Energy Technology District ("DCET District").

SECTION II – DEFINITIONS

DCET DISTRICT – Data Center and Energy Technology District is the zone which is intended to allow the orderly and efficient development of future data centers, related energy generation, distribution and storage, and technology/manufacturing campuses while protecting the health, safety and welfare of the public, protecting natural resources and promoting balanced community growth by accommodating economic development.

M-1 ZONE - A M-1 Zone, as defined by the Zoning Ordinance of Covington Township, is intended to provide adequate space to meet the projected needs for industrial activities and to restrict industrial land from being used for residential development and also provide areas for industrial growth to occur unhindered by pressures from other types of development.

SOLAR ELECTRIC ENERGY FACILITY or "SEF" - a Large-Scale Solar Electric Energy Facility, whose main purpose is to generate and supply electricity and consists of one or more Solar Electric Systems and other accessory structures and buildings, including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities whose principal purpose is to capture solar energy, convert it to electrical energy or thermal

power and supply electrical or thermal power primarily for off-site use. These facilities shall *not* include on-site Solar Electric Energy Systems meant for residential or commercial use. Such uses are regulated by the Uniform Construction Code.

SECTION III - AMENDMENT

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Covington, Lackawanna County, Pennsylvania, by authority of and pursuant to the provisions of P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968; reenacted December 21, 1988, P.L. 1329, No. 170, and as further reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code". This Ordinance is also enacted pursuant to §610 of the Covington Township Zoning Ordinance.

The Covington Township Zoning Ordinance is amended to allow Large Scale Solar Electric Facilities in a M-1 zone and in a DCET District by way of a conditional use permit as is reflected in the attached zoning map. The Board of Supervisors shall review a complete application and conduct a hearing to ensure that the following conditions are met:

1. The Applicant shall submit a Master Plan which shows existing and proposed public and private roadways, conservation areas, floodplains, steep slopes, relationships to other properties, proposed setbacks, proposed buffers and landscaping, proposed sidewalks, proposed emergency access locations. This portion shall be prepared by a Professional Licensed Surveyor.
2. The Master Plan shall also show the proposed SEF, including an overhead view of the project; the project location; the approximate generating capacity of the SEF; representative types and height or range of heights of the panels or other Solar Electric System equipment to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of all ancillary facilities. The Plan shall also specify as to whether the panels are ground mounted, wall mounted, or roof mounted. This portion of the Master Plan shall be completed by a Professional Engineer.
 - a. In the event the panels are roof mounted, the panels shall not exceed five feet (5') in height as measured from roof line.
 - b.

SECTION IV - SEVERABILITY

Should any section, subsection, clause, provision, or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity

of the remainder of this Ordinance; the Board of Supervisors having adopted this Ordinance as if such invalid portions had not been included therein.

SECTION V - REPEALER

All existing ordinances or parts of ordinances, which are contrary to the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

BE IT HEREBY ENACTED This ____ day of _____, 20__, by the Board of Supervisors of Covington Township, Lackawanna County, Pennsylvania, to be effective five days from enactment.

BY:

Melissa Kearney
Chairwoman

William Beavers

Marshall Peirce

William Willson

Wanda Andreoli

ATTEST: _____