**2019-05**

**AN ORDINANCE TO AMEND**

**CHAPTER 27, ZONING OF THE \_\_\_\_\_\_ TOWNSHIP CODE OF ORDINANCES**

**CHAPTER 27, ZONING IS HEREBY AMENDED AS FOLLOWS:**

**SECTION 1**

**PART 13 - DEFINITIONS**

§1302. DEFINITIONS is hereby amended to include the following term which shall read as follows:

**ACCESSORY SOLAR ENERGY SYSTEM (ASES)** - An area of land or other area used for a solar collection 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. 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 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 ARRAY** - A grouping of multiple solar modules with the purpose of harvesting solar energy.

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

**SOLAR EASEMENT** - 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, diffuse and/or reflective) received from the sun.

**SOLAR MODULE** - A grouping of solar cells with the purpose of harvesting solar energy.

**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.



**SECTION 2**

**PART 3 – DISTRICT REGULATIONS**

§303. (RURAL RESIDENTIAL DISTRICT) is hereby amended to include an “Accessory Solar Energy System (ASES)” as a “Permitted Accessory Use and Structure” in the RR (Rural Residential) District, which shall read:

11 Accessory Solar Energy System (ASES) (See § 437)

**SECTION 3.**

**PART 3 – DISTRICT REGULATIONS**

§304. (SUBURBAN RESIDENTIAL DISTRICT) is hereby amended to include an “Accessory Solar Energy System (ASES)” as a “Permitted Accessory Use and Structure” in the SR (Suburban Residential) District, which shall read:

9. Accessory Solar Energy System (ASES) (See § 437)

**SECTION 4**

**PART 3 – DISTRICT REGULATIONS**

§305. (VILLAGE DISTRICT) is hereby amended to include an “Accessory Solar Energy System (ASES)” as a “Permitted Accessory Use and Structure” as a “Permitted Accessory Use and Structure” in the V (Village) District, which shall read:

12. Accessory Solar Energy System (ASES) (See § 437)

**SECTION 5**

**PART 3 – DISTRICT REGULATIONS**

§306 (AGRICULTURAL PRESERVATION DISTRICT) is hereby amended to include an “Accessory Solar Energy System (ASES)” as a “Permitted Accessory Use and Structure” in the A (Agricultural Preservation) District, which shall read:

14. Accessory Solar Energy System (ASES) (See § 437)

**SECTION 6**

**PART 3 – DISTRICT REGULATIONS**

§307 (WOODLAND/CONSERVATION DISTRICT) is hereby amended to include an “Accessory Solar Energy System (ASES)” as a “Permitted Accessory Use and Structure” in the W/C Woodland/Conservation) District, which shall read:

13. Accessory Solar Energy System (ASES l (See § 437)

**SECTION 7**

**PART 4 - SUPPLEMENTAL REGULATIONS**

PART 4 - SUPPLEMENTARY USE REGULATIONS is hereby amended to include § 437 Accessory Solar Energy System (ASES) which shall read as follows:

**SECTION 437 REGULATIONS FOR ACCESSORY SOLAR ENERGY SYSTEMS (ASES)**

A. PERMITTED AS AN ACCESSORY STRUCTURE

ASES shall be permitted as a use by right as an accessory structure in all zoning districts.

B COMPLIANCE WITH INDUSTRY STANDARDS

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 (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code, regulations adopted by the Pennsylvania Department of Labor and Industry, 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 permit application.

C. INSTALLERS

ASES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection’s (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:

(1) Is certified by the North American Board of Certified Energy Practitioners (NABCEP) for

 PV installation.

(2) Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable

 Power Quality (ISPQ) accredited PV training program or a PV manufacturer’s training

 program and successfully installed a minimum of three PV systems.

(3) For residential applications, a registered home improvement contractor with the Attorney

 General’s Office.

D. MAINTAIN IN GOOD WORKING ORDER

Upon completion of installation, the ASES shall be maintained in good working order in accordance with manufacturer’s standards of and any other 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 **\_\_\_\_\_\_** Township in accordance with all applicable ordinances.

E. UNDERGROUND REQUIREMENTS

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

F. SIGNAGE

The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.

G. GLARE

(1) All ASES 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 a significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

H. SOLAR EASEMENTS

If a solar easement, intended to guarantee unobstructed solar access, is desired by the applicant and/or property owner for an ASES, such matter shall be carried out as a civil agreement between or among all applicable parties. **\_\_\_\_\_\_** Township shall not be a party to any agreement designed to provide a solar easement, nor shall **\_\_\_\_\_\_** Township be responsible for ensuring the maintenance of any solar easement.

I. 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 the 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 **\_\_\_\_\_\_** Township, provide information concerning the amount of energy generated by the ASES in the last 12 months.

J. ZONING PERMIT REQUIREMENTS

(1) A Zoning Permit Application shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. The applicant shall be required to secure all applicable building permits required under the PA Uniform Construction Code. All Permits shall be kept on the premises where the ASES is constructed.

(2) A new Zoning Permit shall be required if an ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.

(3) 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. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.

(4) Prior to the issuance of a Zoning Permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself:

(a) 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

(b) the right to prohibit the development on or growth of any trees or vegetation on such

 property.

(5) Routine maintenance or like kind replacements do not require a permit.

K. ROOF MOUNTED AND WALL MOUNTED ACCESSORY SOLAR ENERGY SYSTEMS

(1) Location

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

(2) Setbacks

(a) Wall mounted ASES shall comply with the setbacks for principal and accessory structures

 of the underlying zoning districts.

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

(3) Height

ASES mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district.

(4) Code Compliance

For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the PA Uniform Construction Code and that the roof or wall is capable of holding the load imposed on the structure. Applications for roof mounted ASES shall be accompanied by engineer stamped plans that demonstrate the structural sufficiency of the roof to hold the weight of the ASES.

**L. GROUND MOUNTED ACCESSORY SOLAR ENERGY SYSTEMS**

(1) Setbacks

(a) The minimum yard setbacks from side and rear property lines shall comply with the required setbacks for a principal structure setback of the underlying zoning district.

(b) Ground mounted ASES are prohibited in front yards, between the principal building and the public street, excluding front yard locations which are located not less than 200 feet from the front property line.

(2) Height

Freestanding ground mounted ASES shall not exceed 20 feet in height above the ground elevation surrounding the systems.

(3) Coverage

(a) The surface area of the arrays of a ground mounted ASES, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located. ASE shall not exceed the maximum lot coverage requirements of the underlying zoning district.

(b) If applicable, the applicant shall submit a Stormwater Management Plan that demonstrates compliance with the **\_\_\_\_\_\_** Township stormwater management regulations.

(4) Screening

Ground mounted ASES when located less than 50 feet from a property line shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen using two staggered rows of evergreen trees planted in along the nearest side or rear yard boundary of ASES with the spacing distance between trees not less than eight feet or greater than ten (10) feet. Said trees shall be not less than six (6) feet in height at the time of planting. In lieu of a planting screen, a decorative fence meeting requirements of the zoning ordinance may be used if along such a boundary.

(5) Safety/Warning Signage

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) Location Restrictions

Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

**SECTION 8**

**PART 3 – DISTRICT REGULATIONS**

§307 (WOODLAND/CONSERVATION DISTRICT) is hereby amended to include a Principal Solar Energy System (PSES) as a “Conditional Use:” in the W/C Woodland/Conservation) District, which shall read:

6. Principal Solar Energy System (PSES) (See § 438)

**SECTION 9**

**PART 4 - SUPPLEMENTAL REGULATIONS**

PART 4 - SUPPLEMENTARY USE REGULATIONS is hereby amended to include § 438 Principal Solar Energy System (PSES) which shall read as follows:

**SECTION 438 PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)**

A. PERMITTED AS A CONDITIONAL USE

A PSES shall be permitted as a Conditional Use in the W/C Woodland/Conservation) District.

B.COMPLIANCE WITH INDUSTRY STANDARDS

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, regulations adopted by the Pennsylvania Department of Labor and Industry, 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 permit application.

C.INSTALLERS

PSES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection’s (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:

(1) Is certified by the North American Board of Certified Energy Practitioners (NABCEP).

 for solar thermal installation.

(2) Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable

 Power Quality (ISPQ) accredited solar thermal training program or a solar collector’s

 manufacturer’s training program and successfully installed a minimum of three solar

 thermal systems.

D.MAINTAIN IN GOOD WORKING ORDER

Upon completion of installation, the PSES shall be maintained in good working order in accordance with manufacturer’s standards of and any other codes under which the PSES was constructed. Failure of the owner to maintain the PSES in good working order is grounds for appropriate enforcement actions by **\_\_\_\_\_\_** Township in accordance with applicable ordinances.

E.UNDERGROUND REQUIREMENTS

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

F. UTILITY NOTIFICATION

The owner of a PSES shall provide **\_\_\_\_\_\_** Township 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 and approved of such connection.

G. SIGNAGE

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.

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

I. NOISE STUDY

A noise study shall be performed and included in the zoning/building permit application. The noise study shall be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 50dBA, as measured at the property line.

J. TREE AND LANDSCAPING REMOVAL

No trees or other landscaping otherwise required by the Township ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.

K. CONTACT INFORMATION

The PSES owner and/or operator shall provide current contact information to the Township

which includes at minimum a phone number and identifies a responsible person for the

Township or public to contact regarding emergencies, inquiries and complaints throughout the

life of the project. The PSES owner and/or operator shall the Board of Supervisors a written plan

outlining procedures on how complaints a will be addressed. For the life of the project, the

current contact information shall be conspicuously posted upon locations throughout the property

L. SOLAR EASEMENTS

Where a subdivision or land development proposes a PSES, solar easements may be provided. If a solar easement, intended to guarantee unobstructed solar access, is desired by the applicant and/or property owner for an ASES, such matter shall be carried out as a civil agreement between or among all applicable parties. **\_\_\_\_\_\_** Township shall not be a party to any agreement designed to provide a solar easement, nor shall **\_\_\_\_\_\_** Township be responsible for ensuring the maintenance of any solar easement. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance.

M. DECOMMISSIONING

(1) The PSES owner is required to notify [municipality] 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 and other associated facilities from the property. The owner shall also restore the land to its original condition, including forestry plantings of the same type/variety and density as the original. If the owner fails to dismantle and/or remove the PSES and restore the land within the established time frames, \_**\_\_\_\_\_\_** Township may complete the decommissioning and land restoration at the owner’s expense.

(C) 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 **\_\_\_\_\_\_** Township to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original.

N. PERMIT REQUIREMENTS

(1) A Zoning Permit Application shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the PSES on the property, including property lines. Permits shall be kept on the premises where the PSES is constructed.

(2) PSES shall comply with **\_\_\_\_\_\_** Township zoning and subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.

(3) 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.

(4) Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) 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 (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

(5) Routine maintenance or like-kind replacements do not require a permit.

O. GROUND MOUNTED PRINCIPAL SOLAR SYSTEMS

(1) Lot Size

 A PSES shall require a lot size of not less than ten (10) acres.

(2) Setbacks

A PSES shall be setback distance of not less than 100 feet to any property line

(3) Height

 Ground mounted PSES shall not exceed 20 feet in height.

(4) Lot Coverage

The surface area of the arrays of a ground mounted PSES, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located. The PSES shall not exceed the maximum lot coverage requirements of the underlying zoning district.

(5) The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the **\_\_\_\_\_\_** Township stormwater management regulations.

(6) PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management.

**SECTION 10**

SEVERABILITY

The provisions of this Ordinance are severable. If any part of this Ordinance is declared

to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be

unaffected thereby. It is the intention of **\_\_\_\_\_\_** Township Board of Supervisors that this

Ordinance would have been adopted had such unconstitutional, illegal or invalid part not been

included.

**SECTION 11**

REPEALING PROVISION

All Ordinances, or any parts thereof, which are inconsistent or in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 12**

EFFECTIVE DATE

This Ordinance shall be in force and effect from and after its enactment as provided for

by law.

APPROVED AND ENACTED BY THE **\_\_\_\_\_\_** TOWNSHIP BOARD OF SUPERVIORS

ON THIS \_\_\_\_\_ DAY OF\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2019.

ATTEST: **\_\_\_\_\_\_** TOWNSHIP

 BOARD OF SUPERVISORS

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