

TOWNSHIP OF BETHEL
DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. _____ - 2016

AN ORDINANCE PURSUANT TO ARTICLE VI OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE AMENDING THE BETHEL TOWNSHIP ZONING ORDINANCE OF 2008, AS AMENDED, BY AMENDING ARTICLE IV, DEFINITIONS, BY ADDING DEFINITIONS FOR SOLAR ENERGY SYSTEMS AND BY AMENDING ARTICLE XIX, GENERAL REGULATIONS, ADDING A SECTION TO PERMIT SOLAR ENERGY SYSTEMS AS AN ACCESSORY TO PERMITTED, CONDITIONAL AND SPECIAL EXCEPTION USES IN ANY ZONING DISTRICT.

BE IT HEREBY ENACTED AND ORDAINED by the Board of Supervisors of the Township of Bethel, as follows:

Section 1. Article IV, Section 404 of the Bethel Township Zoning Ordinance of 2008, as amended, is hereby amended to include the following definition of terms:

Solar Energy Mechanical Equipment

Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.

Solar Energy System

An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user. This definition shall include the terms passive solar and active solar systems.

Solar Farms

Large collections of interconnected solar panels that work together to capture sunlight and turn it into electricity on a grand scale. They can be government-owned or privately owned. Private solar farms can be large facilities owned by power companies, or small arrays set up on extra acreage in the Tank Farm Zoning District. In either case, the power generated is sold to electric companies for distribution throughout the power grid.

Solar Glare

The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Section 2. Applicability:

1. This Ordinance applies to solar energy systems to be installed and constructed after the effective date of the Ordinance.

2. Solar energy systems constructed prior to the effective date of this Ordinance shall be not be required to meet the requirements of this Ordinance.

3. Any upgrade, modification, or structural change that materially alters the size or placement of an existing solar energy system shall comply with the provisions of Article XIX, Section 1918.

Section 3. Article XIX of the Bethel Township Zoning Ordinance of 2008, as amended, is hereby further amended by adding Section 1918 as follows:

SECTION 1918: SOLAR ENERGY SYSTEMS

It is the purpose of this regulation to promote the safe, effective and efficient use of solar energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water as a permitted accessory use while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. A solar energy system shall be permitted in any zoning district as an accessory to a principal use herein subject to specific criteria as set forth below. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.

1. The installation and construction of a solar energy system shall be subject to the following development and design standards:

A. Roof mounted solar energy systems are permitted in all commercial and light industrial zoning districts as an accessory to a principal use.

B. Roof mounted solar energy systems are permitted on residentially zoned property, provided the property lot is 30,000 square feet or greater, as an accessory to a principal use.

C. A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.

D. A solar energy system connected to the utility grid shall provide written authorization from the local utility company to the Township acknowledging and approving such connection.

E. A solar energy system must be roof mounted in accordance with the regulations herein.

F. A roof mounted system shall only be mounted on a principal building or accessory building. A roof mounted system, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the solar energy system extend beyond the edge of the roof.

(i) In all cases, Solar Energy Systems shall be set back from roof edges and from the roof ridge line a minimum of three (3) feet to provide safe access for firefighters and other emergency responders.

2. Ground mounted solar energy systems and/or solar farms shall be permitted as a primary use in the Tank Farm District, subject to the following development and design standards.

A. A ground mounted system shall not exceed the maximum height of twelve (12) feet.

B. The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

C. A ground mounted system or systems attached to an accessory building shall not be located within two hundred fifty (250) feet of a roadway nor within one hundred (100) feet of any abutting property lot.

D. The minimum solar energy system setback distance from the property lines shall be one hundred (100) feet.

E. If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.

F. If a ground mounted solar energy system has not been in operation for a period of six months or is defective or is deemed to be unsafe by the Township Code Official, the solar energy system shall be required to be repaired by the owner to meet federal, state and local safety standards or to be removed by the property owner within the time period indicated by the Township Code Official. If the owner fails to remove or repair the defective, abandoned or unsafe solar energy system, the Township may pursue legal action to have the system removed at the owner's expense.

3. All mechanical equipment associated with and necessary for the operation of any solar energy system and/or solar farm shall comply with the following:

(i) Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees or other non-invasive plant species which provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of the Zoning Ordinance may be used. Exterior access doors to all electrical equipment shall be locked or fenced to prevent entry by unauthorized persons.

(ii) Mechanical equipment shall not be located within one hundred (100) feet of any abutting property line.

(iii) Mechanical equipment shall comply with the setbacks specified for primary structures in the underlying zoning district.

4. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

5. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.

6. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, flags, banners or similar materials. The manufacturer and equipment information, warning or indication of ownership shall be allowed on any equipment of the solar energy system, provided such information, warning or indication of ownership complies with the sign regulations under this Ordinance. A clearly visible warning sign concerning voltage must be placed at the base of each pad-mounted transformer and/or substation.

7. A solar energy system shall not be constructed until a building/zoning permit has been approved and issued.

8. The design of a solar energy system shall comply with all applicable Bethel Township Ordinances and Codes so as to ensure the structural integrity of such a solar energy system.

Section 4. **REPEALER** All other portions, parts and provisions of the Bethel Township Zoning Ordinance inconsistent herewith are repealed to the extent of the inconsistency.

Section 5. **SEVERABILITY.** If any provision or part of this Ordinance is held invalid, the remaining provisions or parts of this Ordinance shall not be affected thereby. If the application of this Ordinance or any of its provisions or parts to any persons, property or circumstances is held invalid, the application of this Ordinance to other persons, property or circumstances shall not be affected thereby.

ENACTED and ORDAINED this ____ day of _____, 2016 by the Bethel Township Board of Supervisors.

Chair, Board of Supervisors

Attest:_____