

**OFFICIAL
TOWNSHIP OF NORTH HUNTINGDON
SOLAR ENERGY SYSTEM ORDINANCE
ORDINANCE NO. _____**

**AN ORDINANCE OF THE TOWNSHIP OF NORTH HUNTINGDON, COUNTY
OF WESTMORELAND, AMENDING THE NORTH HUNTINGDON TOWNSHIP
ZONING ORDINANCE TO ADD REGULATIONS GOVERNING SOLAR
ENERGY SYSTEMS.**

WHEREAS, the Board of Commissioners of North Huntingdon Township recognizes the need to encourage the use of renewable and sustainable energy resources while ensuring such installations are compatible with surrounding land uses and consistent with the public health, safety, and welfare, and;

WHEREAS, the Township desires to amend the Zoning Ordinance to establish clear standards for the placement, construction and operation of solar energy systems, accessory and commercial in scale;

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, as follows

I. Renewable Energy Systems

- (A) **Purpose and Intent** – This section differentiates between Accessory Solar Energy Systems and Utility-Scale Solar Energy Systems (Solar Farms), designed primarily for commercial or utility sale of electricity. The purpose of this section is to regulate the installation and operation of solar energy systems in North Huntingdon Township to:

- (1) Promote the safe, effective, and efficient use of renewable energy systems;
- (2) Protect public health, safety, and welfare;
- (3) Minimize potential adverse visual, environmental, and property impacts; and
- (4) Ensure compliance with applicable federal, state, and local regulations.

(B) **Definitions**

Solar Energy System: A device or combination of devices, structures or equipment that collects, converts, stores or distributes solar energy for heating, cooling, generating electricity or other purposes.

Accessory Solar Energy System: A solar energy system whose primary purpose is to provide electrical power to a structure or use located on the same lot.

Utility-Scale Solar Energy System (Solar Farm): A solar energy facility designed and operated primarily to generate electricity for sale or transfer to the public utility grid.

Battery Energy Storage System (BESS): A type of energy storage technology that uses a group of batteries in the grid to store electrical energy.

Base Flood Elevation (BFE): The elevation of the base flood, also known as the 100-year flood, as established by the Federal Emergency Management Agency (FEMA).

- (C) **Accessory Solar Energy Systems** – Accessory solar energy systems shall be permitted as accessory uses in all zoning districts, subject to the following standards and criteria:

(1) **General Requirements**

- (a) No solar collector panels shall be located over any septic system, tank, or leach field.
- (b) All solar panels and related equipment located within a FEMA-designated floodplain shall be installed above the base flood elevation.
- (c) Roof-mounted solar panels shall not project more than four (4) feet above the roof surface in nonresidential zoning districts or two (2) feet in residential or agricultural zoning districts.
- (d) Ground-mounted solar panels shall be located to minimize visibility from adjacent properties and public rights-of-way, utilizing existing vegetation or topography for screening where practical.
- (e) A building permit shall be required prior to installation.

(2) **Setbacks and Height – Ground Mounted Systems**

- (a) Front yard setback (from recorded right-of-way line): 30 feet
- (b) Rear yard setback: 10 feet
- (c) Side yard setback: 10 feet
- (d) Maximum height: 14 feet above grade

- (D) **Utility-Scale Solar Energy Systems (Solar Farms)** – Utility-scale or commercial solar energy systems shall be permitted by Special Exception in all Zoning Districts, subject to the following requirements:

(1) **Lot and Design Requirements**

- (a) Minimum lot size = 50 acres.
- (b) Minimum setback: 250 feet from all property lines.
- (c) Panels shall be arranged to prevent glare onto adjacent properties, public roads and rights-of-way.
- (d) Underground wiring shall be required unless otherwise approved by the Township Engineer for site-specific conditions.

(2) **Application Requirements**

A complete application shall include a scaled site plan prepared by a licensed professional land surveyor or engineer showing: property boundaries, leased area, panel layout, access drives, substations, fencing and screening. Manufacturer specifications for solar panels and inverters shall be submitted with the application.

(3) Construction and Safety Standards

- (a) The layout, design, and installation of the facility shall conform to applicable industry standards, including those of ANSI, UL, and other recognized certifying organizations, and shall comply with the Uniform Construction Code (Act 45 of 1999, as amended) and all applicable fire and life safety codes.
- (b) Manufacturer specifications for all equipment shall be provided as part of the application.
- (c) All on-site utility and transmission lines extending to and from the facility shall be installed underground to the maximum extent practicable.
- (d) The facility shall be designed and located to prevent reflective glare toward inhabited buildings on adjacent properties and public rights-of-way.
- (e) No part of the facility shall be placed within a legal easement or rights-of-way that would impede the operation of the facilities occupying the easement or rights-of-way, or be placed within any stormwater conveyance system so as not to disrupt managed stormwater runoff.
- (f) The Township reserves the right to inspect a utility-scale solar energy system for building or fire code compliance and safety.

(4) Height and Rooftop Installations

- (a) Solar panels or associated structures on rooftops shall comply with the maximum height limits of the zoning district.
- (b) Applicants shall provide engineer-certified plans verifying that any building used for mounting is structurally capable of supporting the system.
- (c) For sloped roofs facing the front yard, the system shall follow the roof angle and not exceed 18 inches above the roof surface.
- (d) For flat roofs, systems shall be set back or screened (e.g., parapet wall or similar architectural treatment) so they are not visible from the adjacent public right-of-way at ground level.
- (e) The maximum height of a rooftop-mounted system shall not exceed three (3) feet above a sloped roofline or six (6) feet above a flat roofline.

(5) Fencing, Signage, and Screening

- (a) The entire ground-mounted solar energy facility shall be enclosed by a fence at least eight (8) feet in height with self-locking gates.
- (b) Warning signs identifying electrical hazards and emergency contact information shall be posted at entrances and transformer or substation areas.
- (c) All mechanical and electrical equipment shall be screened from residential properties and public rights-of-way per the Township SALDO landscaping standards.

(6) Sound

Operational noise must not violate the Township noise ordinance.

(7) Impervious Coverage

The total surface area of ground-mounted solar panels shall be considered impervious surface for zoning and stormwater management surfaces.

(8) Signage

No commercial advertising or graphic content shall be displayed on solar arrays. Only manufacturer identification, safety warnings and technical labels are permitted, limited to an area not exceeding 36 square inches per sign.

(9) Decommissioning, Abandonment and Financial Security

- (a) The owner shall notify the Township immediately upon cessation of operations.
- (b) A solar facility shall be deemed abandoned if disconnected from the grid or nonfunctional for a period of six (6) consecutive months.
- (c) Within twelve (12) months of abandonment, all panels, supports, wiring and associated equipment shall be removed, and disturbed ground areas restored and re-seeded.
- (d) If the owner fails to remove the system within the required period, the Township may remove it and charge all associated costs, including legal fees, to the property owner or operator.
- (e) Unpaid costs shall constitute a municipal lien on the property.
- (f) At the time of application, the facility owner shall provide the Township with a cost estimate for decommissioning activities.
- (g) Prior to issuance of a building permit, the applicant shall provide financial security (in a form and amount approved by the Township and separate from the performance bond as required in the Developers Agreement) sufficient to guarantee full decommissioning and site restoration. This financial security shall be adjusted as needed over time to account for inflation and other market changes.
- (h) A decommissioning plan and operation and maintenance agreement shall be submitted and recorded at the Westmoreland County Recorder of Deeds Office.

(10) Insurance

The owner/operator shall maintain liability insurance with minimum coverage of \$1,000,000 per occurrence and \$2,000,000 aggregate.

(11) Rapid Disconnect Required

All systems governed by this ordinance must include a rapid disconnect plan authorized by the National Electric Code, most recent edition, as amended and adopted by the Commonwealth of Pennsylvania.

(E) Battery Energy Storage Systems (BESS) – These systems shall be permitted by Special Exception in all Zoning Districts, subject to the following requirements:

(1) Lot and Design Requirements

- (a) Minimum lot size = 10 acres.
- (b) Minimum setback: 100 feet from all property lines.
- (c) Underground wiring shall be required unless otherwise approved by the Township Engineer for site-specific conditions.

(2) Application Requirements

A complete application shall include a scaled site plan prepared by a licensed professional land surveyor or engineer showing: property boundaries, leased area, battery layout, access drives, substations, fencing and screening.

(3) Construction and Safety Standards

- (a) The layout, design, and installation of the facility shall conform to applicable industry standards, including those of ANSI, UL, and other recognized certifying organizations, and shall comply with the Uniform Construction Code (Act 45 of 1999, as amended) and all applicable fire and life safety codes.
- (b) Manufacturer specifications for all equipment shall be provided as part of the application.
- (c) All on-site utility and transmission lines extending to and from the facility shall be installed underground to the maximum extent practicable.
- (d) No part of the facility shall be placed within a legal easement or rights-of-way that would impede the operation of the facilities occupying the easement or rights-of-way, or be placed within any stormwater conveyance system so as not to disrupt managed stormwater runoff.
- (e) The Township reserves the right to inspect a BESS site for building or fire code compliance and safety.

(4) Fencing, Signage, and Screening

- (a) The entire BESS facility shall be enclosed by a fence at least eight (8) feet in height with self-locking gates.
- (b) Warning signs identifying electrical hazards and emergency contact information shall be posted at entrances and transformer or substation areas.
- (c) All mechanical and electrical equipment shall be screened from residential properties and public rights-of-way per the Township SALDO landscaping standards.

(5) Sound

Operational noise must not violate the Township noise ordinance.

(6) Impervious Coverage

The total surface area of the BESS shall be considered impervious surface for zoning and stormwater management surfaces.

(7) Signage

No commercial advertising or graphic content shall be displayed on battery arrays. Only manufacturer identification, safety warnings and technical labels are permitted, limited to an area not exceeding 36 square inches per sign.

(8) Decommissioning, Abandonment and Financial Security

- (a) The owner shall notify the Township immediately upon cessation of operations.
- (b) A BESS shall be deemed abandoned if disconnected from the grid or nonfunctional for a period of six (6) consecutive months.

- (c) Within twelve (12) months of abandonment, all batteries, wiring and associated equipment shall be removed, and disturbed ground areas restored and re-seeded.
- (d) If the owner fails to remove the system within the required period, the Township may remove it and charge all associated costs, including legal fees, to the property owner or operator.
- (e) Unpaid costs shall constitute a municipal lien on the property.
- (f) At the time of application, the facility owner shall provide the Township with a cost estimate for decommissioning activities.
- (g) Prior to issuance of a building permit, the applicant shall provide financial security (in a form and amount approved by the Township and separate from the performance bond as required in the Developers Agreement) sufficient to guarantee full decommissioning and site restoration. This financial security shall be adjusted as needed over time to account for inflation and other market changes.
- (h) A decommissioning plan and operation and maintenance agreement shall be submitted and recorded at the Westmoreland County Recorder of Deeds Office.

(9) Insurance

The owner/operator shall maintain liability insurance with minimum coverage of \$1,000,000 per occurrence and \$2,000,000 aggregate.

(10) Rapid Disconnect Required

All systems governed by this ordinance must include a rapid disconnect plan authorized by the National Electric Code, most recent edition, as amended and adopted by the Commonwealth of Pennsylvania.

- (F) Exemptions** – Rooftop solar installations for on-site power generation are exempt if they primarily supply electricity for on-site use, return only de minimis power to the grid and obtain all required permits. Ground-mounted systems must comply with Section C.

II. Severability

If any section, clause or provision of this Ordinance shall be declared invalid, such declaration shall not affect the validity of any other provisions remaining herein.

III. Repealer

Any ordinance, or part of an ordinance, conflicting with this ordinance shall be deemed invalid and the same is hereby repealed insofar as the same affects this ordinance.

ORDAINED AND ENACTED at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland and Commonwealth of Pennsylvania, a full quorum being present, this Wednesday, the _____ day of _____, 20____.

TOWNSHIP OF NORTH HUNTINGDON
BOARD OF COMMISSIONERS

BY: _____
Zachary J. Haigis, President

ATTEST:

Harry R. Faulk, Township Secretary

SEAL

SOLICITOR: Bruce E. Dice