

## PRESTON TOWNSHIP SOLAR ENERGY SYSTEMS

### § 54 – General Provisions

- 54.1 Purpose: Preston Township seeks to promote the general health, safety and welfare of the community by regulating solar energy system land development and the dismantling and disposal of improvements made in connection therewith.
- 54.2 Authority: This ordinance is enacted under the authority of the Pennsylvania Municipalities Planning Code and all applications made hereunder shall be subject to the procedures applicable to other land developments, including Preston Township Planning Commission review.
- 54.3 Repeal: Ordinance 2022-12-01 #1 regulating solar energy systems is fully repealed and replaced with the provisions contained herein.

### § 55 – Special Definitions

**ACCESSORY SOLAR ENERGY SYSTEM:** An area of land 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.

**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:** An area of land 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 solar collector devices, solar related equipment and other accessory structures and building including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

**SOLAR EASEMENT:** A solar easement means 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, diffused and/or reflective) received from the sun.

**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 the use in space heating or cooling, for water heating and/or for electricity.

## **§ 56 Accessory Solar Energy Systems**

56.1 Accessory Solar Energy Systems (“accessory systems”) shall be permitted on any lot, provided as follows:

56.1.1 Accessory systems with an aggregate collection and/or focusing area of 100 square feet or less shall be exempt from this ordinance.

56.1.2 Accessory systems constructed prior to the effective date of this Article VIII shall not be required to meet the terms and condition of this Ordinance. Any physical modification to an existing accessory system, whether or not existing prior to the effective date of this Article VIII, that materially alters the size of the accessory system shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

56.1.3 The layout, design, installation, and ongoing maintenance of an accessory system shall comply with the PA Uniform Construction Code (UCC), Act 45 of 1999, as amended, including all required permits and inspections, and all other applicable and life safety requirements. The manufacturer specifications for the key components of the accessory system shall be submitted as part of the application.

56.1.4 Upon completion of installation, the accessory system shall be maintained in good working order in accordance with standards of the Preston Township codes under which the accessory system was constructed. The subject use shall conform to and be maintained in accordance with the above-mentioned manufacturer specifications for the entire life of the use. Failure of the property owner to maintain the accessory system in good working order is grounds for appropriate enforcement actions by Preston Township in accordance with applicable ordinances.

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

56.1.6 The owner of an accessory system shall provide Preston Township written confirmation that the public utility company to which the system will be connected has been informed of the customer’s intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.

56.1.7 No advertising signage or graphic content may be displayed on the solar photovoltaic system except the manufacturer’s badge, safety information, and equipment specification information. Said information shall be depicted within an area no more that thirty-six (36) square inches in size.

- 56.1.8 All accessory systems shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways. 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.
- 56.1.9 Where a subdivision or land development involves the use of accessory systems, solar easements may be provided. 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. Instruments creating solar easement shall include but not be limited to:
- 56.1.9.1 A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
  - 56.1.9.2 Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
  - 56.1.9.3 Enumerate terms and conditions, of any, under which the easement may be revised or terminated;
  - 56.1.9.4 Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.
- If required, an accessory system owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s)
- 56.1.10 Applicants must acknowledge in writing that the issuing of an approval for an accessory 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.
- 56.1.11 Each accessory system 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. The system 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. The system owner shall, at the request of the Township, provide information concerning the amount of energy generated by the accessory system in the last 12 months.

56.2 Accessory solar energy systems shall be subject to the following standards:

56.2.1 The minimum yard setbacks from front, side and rear property lines of § 35.5.3 hereof shall apply.

56.2.2 Accessory systems shall not exceed fifteen (15) feet in height.

56.2.3 Accessory systems shall be screened from any adjoining residences within one-hundred (100) feet, which screen shall consist of evergreen plant materials that provides an effective visual screen in keeping with the character of the area. In lieu of a planting screen, a decorative six (6) feet tall fence may be used to provide a visual screen.

56.2.4 Appropriate safety/warning signage concerning voltage shall be placed on ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the accessory system shall be locked to prevent unauthorized access or entry.

56.2.5 Accessory systems shall not be placed within any legal easement or right-of-way location, nor be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

## **§ 57 Principal Solar Energy Systems**

57.1 Principal solar energy systems (“principal systems”) constructed prior to the effective date of this Article VIII shall not be required to meet the terms and conditions of the Ordinance. Any physical modification to an existing principal system, whether or not existing prior to the effective date of this Article VIII, that materially alters the system shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

57.2 The layout, design, installation, and ongoing maintenance of an accessory system shall comply with the PA Uniform Construction Code (UCC), Act 45 of 1999, as amended, including all required permits and inspections, and all other applicable and life safety requirements. The manufacturer specifications for the key components of the accessory system shall be submitted as part of the application. Upon completion of installation, the accessory system shall be maintained in good working order in accordance with standards

of the Preston Township codes under which the accessory system was constructed. The subject use shall conform to and be maintained in accordance with the above-mentioned manufacturer specifications for the entire life of the use. Failure of the property owner to maintain the accessory system in good working order is grounds for appropriate enforcement actions by Preston Township in accordance with applicable ordinances.

- 57.3 The principal system installer 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.
- 57.4 All on-site utility transmission and plumbing lines shall be placed underground to the extent feasible.
- 57.5 The owner of a principal system shall provide to Preston Township written confirmation that the public utility company to which the principal system will be connected has been informed of the customer's intent to install a grid connected system and has approved such connection.
- 57.6 No portion of the principal system shall obtain 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 principal system.
- 57.7 All principal systems shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways. 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.
- 57.8 Noise from a principal system shall not exceed fifty (50) dBA, as measured at the property line.
- 57.9 No trees or other landscaping otherwise required by Township ordinances or attached as a condition approval of any plan, application, or permit may be removed for the installation or operation of a system.
- 57.10 The principal system owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquires and complaints throughout the life of the project and provide this number and name to Preston Township. The principal system owner and/or operator shall make reasonable efforts to respond to the public's inquires and complaints.
- 57.11 The principal system owner and/or operator shall conduct/provide on-site solar energy/solar panel and associated solar related equipment safety training for local firefighters and emergency responders prior to commissioning, energizing, and/or activating the system. Any and all fire suppression or other emergency measures

determined necessary by the primary emergency service providers for the property shall be provided and evidenced by the providers' written confirmations.

57.12 Decommissioning of the principal system shall be subject to the following:

57.12.1 The principal system owner is required to notify Preston Township immediately upon cessation or abandonment of the operation. The principal system shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.

57.12.2 The principal system owner shall then have twelve (12) months in which to dismantle and remove the principal system 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. If the owner fails to dismantle and/or remove the principal system within the established timeframes, the Township may complete the decommissioning at the owner's expense.

57.12.3 At the time of issuance of the approval for the construction of the principal system, the owner shall provide financial security in the form and amount acceptable to Preston Township to secure the expense of dismantling and removing said system, regarding as necessary and revegetation/seedling of any disturbed areas to provide erosion control. Specifically, owner shall post a bond for decommissioning in an amount necessary to cover the expense to dismantle and remove the principal system 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, as security if owner fails to comply with the above decommissioning requirements. In lieu of the bond, owner may deliver other security acceptable to Preston Township. The amount of financial security required shall be updated every five years utilizing decommissioning costs estimated by the principal system owner and validated by the Township Engineer. Failure to update the amount of financial security shall be cause to order the immediate dismantling of the principal system using existing security, which shall not be released until replaced with the approval of the Township.

57.13 Prior to the issuance of a land development approval for a principal system, applicants must acknowledge in writing that the issuing of said approval 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.

57.14 Where a subdivision or land development proposes a principal system, solar easements may be provided. Said easements shall be in writing, specifically depicted on the land development plan with metes and bounds 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. Instruments creating solar easement shall include but not be limited to:

- 57.14.1 A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
- 57.14.2 Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
- 57.14.3 Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
- 57.14.4 Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.

If necessary, a principal system owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

57.15 The following standards shall apply to principal systems:

- 57.15.1 The principal system shall comply with the setbacks set forth in § 35.5.3 hereof for commercial and industrial subdivisions with a minimum of one hundred (100) feet from any adjacent residential structure. Battery storage systems shall be located a minimum of two-hundred (200) feet from any property line and be placed on concrete pads. No principal system element shall be placed within any wetland.
- 57.15.2 Principal systems shall not exceed fifteen (15) feet in height.
- 57.15.3 The applicant shall submit a storm water Management Plan that demonstrates compliance with Preston Township storm water management regulations. Principal system owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management.

- 57.15.4 Principal systems shall be screened from adjoining residences within 200 feet of any part of a system. The screen shall consist of two rows of evergreen trees on 15' staggered centers to provide a visual screen. Evergreens shall be a minimum of 3' tall when planted. Immediate replacement of dead trees shall be required and all buffers shall be in keeping with the character of the area.
- 57.15.5 Principal systems shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
- 57.15.6 All principal systems shall be completely enclosed by a minimum seven (7) foot high fence with a self-locking gate. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the system informing individuals of potential voltage hazards.
- 57.15.7 At a minimum, a 25' wide paved access road must be provided from a State or Township roadway into the site. At a minimum, a 20' wide gravel access drive with 5' grassed shoulders shall be provided through or around the solar arrays to the pad mounted equipment to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. (This does not refer to access drives between the solar racks)
- 57.15.8 A principal system shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.
- 57.15.9 If a system is removed, any earth disturbance resulting from the removal must be graded and reseeded.
- 57.15.10 If the proposed principal solar energy system will occupy any part of an approved Agricultural Security Area the applicant shall document how it intends to minimize agricultural impacts.

## **§ 58 Severability**

If any chapter, section, subsection paragraph, sentence or phrase of this ordinance is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the



validity of the ordinance as a whole or any section or part thereof other than the section or part thereof so declared to be invalid.

**§ 59 Repealer**

Any ordinance, chapter, section, subsection, paragraph, sentence or phrase of any ordinance conflicting with the provisions of this ordinance shall and the same is hereby repealed to the extent of such conflict.

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