

GREGG TOWNSHIP
ORDINANCE NO. 2022-01

**AN ORDINANCE OF GREGG TOWNSHIP, UNION COUNTY,
PENNSYLVANIA, AMENDING ORDINANCE 2013-02 (ZONING ORDINANCE
ADOPTED MAY 6, 2013), SECTIONS 2.2, 5.2, 9.2, 10.2, 15.2, 19.6 AND ADDING
SECTION 16.20 OF THE ZONING ORDINANCE OF GREGG TOWNSHIP.**

**BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF
GREGG TOWNSHIP, UNION COUNTY, PENNSYLVANIA AND IT IS HEREBY
ENACTED AND ORDAINED BY AUTHORITY OF THE SAME AS FOLLOWS:**

SECTION 1: Section 2.2 is amended by adding the following definitions:

Accessory Solar Energy System – An area of land or other area for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power 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 primarily intended to reduce on-site consumption of utility power or fuels.

Glare – The effect produced by light with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Principal Solar Energy System – 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. Referred to as “PSES.”

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.

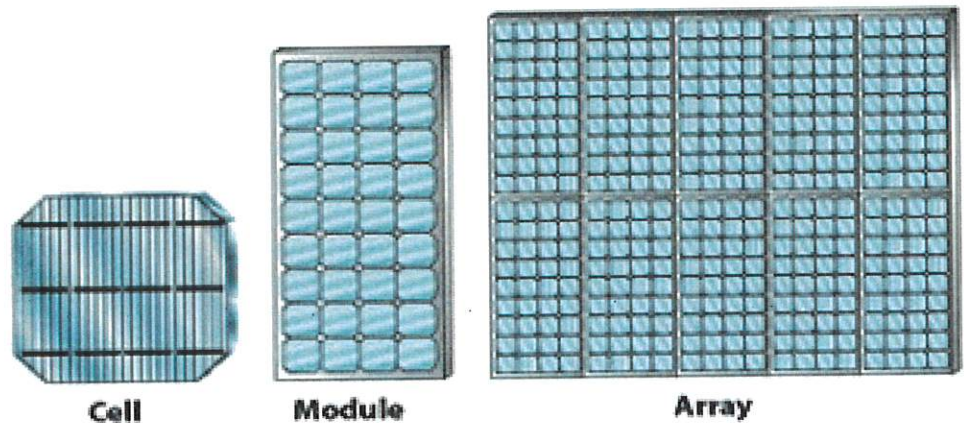
Solar Energy – Radiant energy (direct, diffuse and/or reflective) received from the sun.

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 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.

- **Solar Array** – A grouping of multiple solar modules with purpose of harvesting solar energy.
- **Solar Cell** – The smallest basic solar electric device that generates electricity when exposed to light.
- **Solar Module** – A grouping of solar cells with the purpose of harvesting solar energy.



SECTION 2: Section 5.2.2, Agriculture District, the list of Special Exception Uses is amended by adding:

Principal Solar Energy System

SECTION 3: Section 9.2.2, Institutional District, the list of Special Exception Uses is amended by adding:

Principal Solar Energy System

SECTION 4: Section 10.2.2, Commercial Manufacturing District, the list of Special Exception Uses is amended by adding:

Principal Solar Energy System

SECTION 5: Article 16 is amended by adding:

§16.20 Principal Solar Energy Systems

16.20.1 Glare

All solar photovoltaic cells shall be treated with an anti-reflecting coating in accordance with the highest industry standards.

16.20.2 Principal Solar Energy System Design and Regulation

16.20.2.1 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), or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as adopted by the Township, with all other applicable fire and life safety requirements and with all applicable statutes, ordinances, rules and regulations. The PSES layout, design and installation shall be subject to review and approval of the Township, the costs of said review and approval to be paid by applicant.

16.20.2.2 The underground placement of on-site transmission lines and plumbing lines shall be utilized whenever possible consistent with the standard industry practices.

16.20.2.3 The applicant shall provide the Township with an executed copy of its contract with a public utility company or the Regional Transmission Operator (RTO) to which the PSES will be connected, the same to be subject to review and approval of the Township.

16.20.2.4 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.

16.20.2.5 Glare

All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures, roadways or beyond the boundaries of the land upon which it is located.

16.20.2.6 No trees or landscaping required by state, federal or Township statutes, laws, ordinances, rules or regulations or as provided in the approval of any plan, application or permit may be removed, except upon approval of the Township and then only for reasons of safety or public welfare.

- 16.20.2.7** The PSES owner and/or operator shall maintain a phone number and address of a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number, address and name to the Township, the same to be updated when changed. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints no later than 3 days after the inquiry or complaint was filed.
- 16.20.2.8** PSES owners shall properly maintain all panels, structures and equipment and shall repair or replace any damaged or visibly degraded components in a manner consistent with industry standards. Components shall be replaced in kind, or with equivalent parts or materials, consistent with the original design and manufacturer's specifications and shall be completed within sixty (60) days of the mailing of a notice by the Township of the need to make repairs or replacement. Said notice to be mailed by First Class Mail to the said responsible person provided for herein.
- 16.20.2.9** A Contingency Plan of Emergency Procedures shall be developed by the PSES owner consistent with standard operating practices of the industry. The Plan shall be submitted to the fire department servicing the area where the PSES is located for its review and approval. A copy of the Plan along with the written approval of the fire department shall be submitted to the Township with the application. The same shall be reviewed and updated, if necessary, every five (5) years.

16.20.2.10 Decommissioning

16.20.2.10.1 The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. After the start of commercial operations of the PSES, the PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of six (6) continuous months or repairs or replacements are not completed as herein provided.

16.20.2.10.2 The PSES owner shall then have six (6) 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. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owner's expense. The Township may authorize one six (6) month extension for just cause shown by the PSES owner. Provided however, that the building and road are not required to be removed if the owner can demonstrate, to the satisfaction of the Township, that the same can be repurposed and such repurposing is in compliance with all Township ordinances.

16.20.2.11 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: (1) 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, except as is otherwise agreed to in writing with any landowner of the said adjoining or other property; or (2) the right to prohibit the development on or growth of any trees or vegetation on such property, except as is otherwise agreed to in writing with any landowner of the said adjoining or other property.

16.20.2.12 PSES shall comply with the Township subdivision and land development requirements. The installation and operation of PSES shall be in compliance with all applicable statutes, ordinances, permit requirements, codes and regulations.

16.20.3 Ground Mounted Principal Solar Energy Systems. Notwithstanding any other provisions in this Chapter, the following shall apply to Ground Mounted PSES:

16.20.3.1 Maximum area lot size:

Maximum – 50% of the tract of land not otherwise used for structures, driveways, parking lots or other similar uses.

16.20.3.2 Minimum yards:

16.20.3.2.1 PSES shall comply with the following minimum setback requirements measured from the property line:

Fence: 25 ft.

Panels:

Front: 50 ft.

Side: 50 ft.

Rear: 50 ft.

16.20.3.2.2 In all cases, there shall be a minimum distance of one hundred (100') feet between the boundary line of adjacent non-participating lands utilized for residential purposes and any component of the PSES including buildings, panels, fencing, screening and other equipment.

16.20.3.2.3 In the case where the PSES development encompasses multiple tracts of land, the setback requirements shall apply to the development and not the individual tracts of land. The setbacks shall apply to the perimeter of the entire development.

16.20.3.3 Height: Ground mounted PSES shall not exceed ten (10') feet in height as measured vertically from the top of the component and the ground below the component.

16.20.3.4 Impervious Coverage:

- 16.20.3.4.1** The area beneath the ground mounted PSES is considered pervious cover. However, use of impervious construction materials under the system shall be considered impervious and subject to the impervious surfaces limitations provided for in the applicable zoning district, statutes, ordinances, rules and regulations and if the PSES impervious surface exceed the permitted impervious area, the developer shall comply with the said statutes, ordinances, rules and regulations.
- 16.20.3.4.2** The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the proposed project:
- (a) Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - (b) All mechanical equipment of PSES including any structure for batteries or storage cells. **FOR ZONING PURPOSES ONLY**, the solar modules themselves, however, are not included as impervious cover.
 - (c) Gravel or paved access roads servicing the PSES.
- 16.20.3.5** PSES owners are required to follow the current **PA DEP Guidelines for Solar Collectors** as a best management practice for storm water management.
- 16.20.3.6 Screening:** Screening shall be installed on the exterior of the fencing required herein, subject to the following provisions:
- 16.20.3.6.1** Screening shall consist of evergreen trees or shrubs;
 - 15.2.8.1.1** Ground mounted PSES shall be screened from non-participating adjoining residential uses unless landowner waives such requirement. Also highly trafficked sections of road, shall be screened as determined by the Township. The location and specifications for required screening shall be indicated on the land development plan.
 - 16.20.3.6.2** The trees or shrubs shall be a minimum of eight feet (8') in height and of sufficient size and placed in such location as to visibly obscure the fence within 3 years of planting. The said trees or shrubs shall be replaced as needed to comply with this provision.
 - 16.20.3.6.3** A screening plan shall be submitted with the application for a land development plan.
- 16.20.3.7** In the Agriculture Zoning Districts, no more than 20 percent of the entire area for development shall consist of Class I and Class II prime agricultural soils as defined by the then current version of the NRCS Custom Soil Resource Report.

16.20.3.8 Ground mounted PSES 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 or natural storm water conveyance system.

16.20.3.9 Security

16.20.3.9.1 All ground mounted PSES shall be completely enclosed by an eight foot (8') high fence and all gates shall have locks.

16.20.3.9.2 A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on each side of the area utilized for PSES outside the required screening. The said sign shall be 2' x 2' in size, informing individuals of potential voltage hazards.

16.20.3.10 Access

16.20.3.10.1 An access road, in compliance with the Township regulations on driveways, must be provided from a state or township roadway into the site.

16.20.3.10.2 Service roads within the area of the PSES, at a minimum 16' width, shall be provided to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles to all areas within the PSES.

16.20.3.11 The ground mounted PSES shall not be artificially lighted except in compliance with all applicable federal, state, and Township statutes, ordinances, rules and regulations, the primary purpose of said lighting being for safety purposes.

16.20.3.12 If a ground mounted PSES is removed, the same shall be in accordance with all applicable local, state and federal laws, ordinances, statutes, rules and regulations.

16.20.4 Roof and Wall Mounted Principal Solar Energy System

16.20.4.1 For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and the building code of the Township and that the roof or wall supporting the system is capable of holding the load imposed on the structure.

16.20.4.2 PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

16.20.5 The landowner and developer shall execute an agreement with the Township authorizing the Township, its employees, agents and contractors to enter upon the real estate for the purpose of making inspections, repairs, replacements,

dismantling and/or removal as provided herein, the same to include a release of liability for any damages caused by the Township, its employees, agents or contractors and an indemnification of the Township, its employees, agents or contractors. The said agreement shall be prepared by the Township at the landowner's and developer's expense and shall be submitted with the application for a permit signed by said owner and developer.

16.20.6 The applicant for a Zoning Permit for a PSES shall execute an agreement with the Township providing financial security in an amount equal to one hundred ten (110%) percent of the estimated cost to decommission the PSES. The estimated cost shall be prepared by an engineer and shall be in writing itemizing the costs. The estimated costs shall be subject to the approval of the Township. The financial security shall be: (1) funds deposited with the Township, (2) a bond from an entity acceptable to the Township or (3) an irrevocable letter of credit from an entity acceptable to the Township. The agreement and financial security shall remain in effect until the PSES is decommissioned and the land restored to its original condition.

The financial security may be utilized by the Township to pay the costs of repair, replacement, dismantling, removal and/or restoration of the PSES or the land as provided herein.

Every five (5) years, a new estimate of the said costs, prepared by an engineer, shall be submitted to the Township in writing by the owner of the PSES. The said estimate shall be subject to the approval of the Township. The said financial security shall be adjusted to equal one hundred ten (110%) percent of the said estimated costs.

In the event the Township utilizes the said financial security as herein provided, the owner of the PSES shall, immediately, replace the funds so utilized to the extent necessary to provide financial security in the amount of the said one hundred ten (110%) percent.

The Township shall be entitled to an administrative fee of ten (10%) percent of the cost of any work done by it pursuant hereto. The same may be deducted from the financial security.

Should the financial security not be sufficient to pay the costs and the fee, the owner of the PSES and/or the land shall be liable for the costs and fees not paid from the financial security, the same may be collected as permitted by law, including the filing of a Municipal Claim.

The agreement referred to herein shall be prepared by the Township.

All costs, expenses and fees incurred by the Township in reviewing the estimates or enforcing the said agreement shall be paid by the owner of the PSES and/or the land within ten (10) days of receiving a bill for the same.

SECTION 6: Section 15.2 is amended by the following revisions and additions:

Revise **15.2.2** to read:

15.2.2 Accessory Storage or Utility Buildings, Ground Mounted Solar Panels and Detached Garages in the Village and Rural Residential Districts

Storage, utility buildings, ground mounted solar panels or other accessory structures may be maintained accessory to a dwelling. Storage or utility buildings shall not exceed a building height of 15 feet or one and one-half (1½) stories, except two-story garages, provided that said garage is not for human occupancy. The maximum height for a solar panel shall be eight (8) feet. Accessory structures shall not be located in the front yard of the principal building and shall be separated a minimum of ten (10) feet from any structure and shall be located no closer than six (6) feet from any property line.

Add new section:

15.2.7 Accessory Solar Energy Systems (ASES)

15.2.7.1 Regulations Applicable to All Accessory Solar Energy Systems:

15.2.7.1.1 ASES shall be permitted as a use by right in all zoning districts.

15.2.7.1.2 Exemptions

ASES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing ASES whether or not existing prior to the effective date of this Section that materially alters the ASES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

15.2.7.1.3 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 as enforced by the Township, 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 application.

Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Township 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 the Township in accordance with applicable ordinances.

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

15.2.7.1.5 The owner of an ASES shall provide the Township written confirmation that the public utility company to which the ASES 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.

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

15.2.7.1.7 Glare

All ASES 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.

15.2.7.1.8 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.

15.2.7.1.9 Decommissioning

- a. 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 system

owner and/or operator, or upon termination of the useful life of same.

- b.** 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.
- c.** The ASES owner shall, at the request of the township provide information concerning the amount of energy generated by the ASES in the last 12 months.

15.2.7.1.10 Permit Requirements

- a.** Zoning permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.
- b.** The zoning/building permit shall be revoked if the 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.
- c.** 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.

15.2.7.2 Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

- 15.2.7.2.1** A roof mounted or wall mounted ASES may be located on a principal or accessory building.
- 15.2.7.2.2** Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
- 15.2.7.2.3** Solar panels shall not extend beyond any portion of the roof edge.

15.2.7.2.4 For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the township that the roof or wall is capable of holding the load imposed on the structure.

15.2.7.3 Ground Mounted Accessory Solar Energy Systems

15.2.7.3.1 **Setbacks Minimum Yards** – The minimum front yard for Accessory Solar Energy Systems shall be equivalent to the minimum yard for a principal use in the district except in the Village or Rural Residential Districts (see §15.2.2). The minimum yard ~~setbacks from~~ for side and rear property lines shall be equivalent to the accessory structure setback in the zoning district.

15.2.7.3.2 **Height** - Freestanding ground mounted ASES shall not exceed a maximum height of eight (8) feet.

15.2.7.3.3 **Coverage** - The area beneath the ground mounted ASES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the applicable Zoning District.

15.2.7.3.4 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.

15.2.7.3.5 Ground-mounted ASES 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.

SECTION 7: Section 19.6.6 shall be revised to read:

19.6.6 Areas around service station pump islands shall be illuminated so that the minimum horizontal illuminance at grade level is at least 1.0 footcandle and no more than 30.0 footcandles. **However, a higher or lower maintained lighting level, not to exceed 50 footcandles, may be specifically approved by the appropriate board in conjunction with the approval of a special exception or a**

land development plan. The uniformity ratio (average illumination to minimum illumination) shall be no greater than 4:1.

SECTION 8: All ordinances, to the extent that the same are inconsistent with the terms of this Ordinance, are repealed.

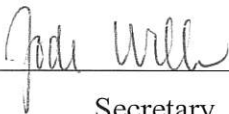
SECTION 9: If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections of parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 10: This Ordinance shall become effective five (5) days after adoption.

ENACTED THIS 3rd DAY OF Jan, 2021, by the Board of Supervisors of Gregg Township, Union County, Pennsylvania.

ATTEST:

BOARD OF SUPERVISORS OF
GREGG TOWNSHIP



Secretary

BY: 

Chairman

