

**TOWNSHIP OF PYMATUNING
MERCER COUNTY, PENNSYLVANIA**

ORDINANCE #208

AN ORDINANCE OF THE TOWNSHIP OF PYMATUNING, MERCER COUNTY, PENNSYLVANIA, IN ACCORDANCE WITH THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE ("MPC"), AMENDING PORTIONS OF THE PYMATUNING TOWNSHIP ZONING ORDINANCE BY PROVIDING FOR ADDITIONAL DEFINITIONS IN ARTICLE XX; AMENDING ARTICLE VIII (BUSINESS-HIGHWAY SERVICE DISTRICT) TO PROVIDE A NEW SECTION 805 FOR USES BY SPECIAL EXCEPTION; AND ALSO FOR AMENDING ARTICLE IX (INDUSTRIAL DISTRICT) TO PROVIDE A NEW SECTION 904 FOR USES BY SPECIAL EXCEPTION

WHEREAS, the Pymatuning Township ("Township") encourages the reasonable development of all legal uses of property for the benefit of Township residents and guests; and

WHEREAS, in furtherance of its land use responsibilities, the Township first adopted a Zoning Ordinance via Ordinance 52 in 1966, which has been amended periodically through the years; and

WHEREAS, from time to time, additional uses arise that were not envisioned by the original ordinance or subsequent amendments; and

WHEREAS, solar energy is an increasingly prevalent use of property which is to be encouraged in the appropriate zoning districts to protect the health, safety, welfare, and essential character of the community;

WHEREAS, the Board of Supervisors desires to permit solar energy facilities in appropriate locations and provide appropriate regulations;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF PYMATUNING TOWNSHIP, MERCER COUNTY, PENNSYLVANIA, AND THE TOWNSHIP OF PYMATUNING HEREBY ORDAINS AND ENACTS BY THE AUTHORITY OF THE SAME AS FOLLOWS:

SECTION 1. AMENDMENT OF ARTICLE XX, DEFINITIONS. Article XX, related to Definitions is hereby amended to add the following:

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 or heating requirements of the onsite user, or which is to be sold to a utility company to be used by others, or sold directly to other users.

R. Zovetky (enr)



Small Solar Energy System - Solar energy systems installed for personal use in residences, commercial properties and institutions. A small solar energy system may be ground-mounted (i.e., placed on top of the ground surface) or roof-mounted (i.e., placed on or as an integral part of a building).

Large Solar Energy System - Solar energy systems installed on large parcels of land for the purpose of generating revenue or utility-scale systems installed to benefit the community or an entire institution.

SECTION 2. AMENDMENT OF ARTICLE VIII, ("B") BUSINESS-HIGHWAY SERVICE ZONING DISTRICT. Article VIII is hereby amended to add a Section 805, which shall read as follows:

Section 805 – Uses permitted by Special Exception – The following uses shall be permitted by Special Exception, utilizing the specific criteria provided herein:

(1) Large Solar Energy System. A Large Solar Energy System shall be permitted as a principal use and considered to be a single structure, subject to the following requirements:

- A. Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
- B. To the extent applicable, all facilities shall comply with the Pennsylvania Uniform Construction Code and the regulations adopted by the Pennsylvania Department of Labor and Industry.
- C. All electrical components of facilities shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- D. Facilities shall not display advertising, except for reasonable identification of the facility manufacturer.
- E. Preliminary and final land development approval is required for the construction of any solar-energy facility when it is the principal use on a site or lot.
- F. The following project information shall be submitted to the Township for every proposed solar-energy facility:
 1. Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the solar-energy system.
 2. An affidavit or similar evidence of agreement between the property owner and the solar-energy facility owner or operator demonstrating permission to apply for necessary permits for construction and operation of a solar-energy facility.

3. Identification of the properties on which the proposed facility will be located and the properties adjacent to the proposed location.
 4. A site plan showing the planned location of each proposed solar-energy facility, property lines, setback lines, access roads and the location of any ancillary structures, including equipment, cabling, buildings, structures, transmission lines, and substations.
 5. A viewshed impact analysis illustrating views of the proposed facility from multiple angles.
 6. A design certification by a certified engineer consisting of the proposed foundation design and analysis of soil conditions.
- G. Solar-energy facilities shall not exceed a maximum height of 15 feet, measured from ground level to the tallest point on the facility.
- H. All solar-energy facilities and any associated accessory equipment shall comply with all area, dimensional, and yard setbacks for the zoning district in which the facility is located, as well as any other zoning provisions that apply, including buffering and landscaping.
- I. Buffers and screening shall be provided, as follows:
1. A minimum 25-foot wide buffer area consisting of natural and undisturbed vegetation shall be preserved or provided around the perimeter of the site.
 2. Secure perimeter fencing shall be installed around the solar-energy facility. The fencing shall not be constructed within any required landscape buffer or setback. The fencing shall be chain link construction with rubberized coating in neutral earth tone colors such as black or brown.
- J. Noise levels from any component of the system shall not exceed 40 dBA when measured at the exterior lot line.
- K. A decommissioning plan shall be submitted as part of the zoning permit application for such system and shall include, but not be limited to, the following:
1. A schedule and methods for the removal of such system;
 2. A plan for restoring the site to a condition similar to its condition that existed immediately prior to the development of such system, including grading and vegetative stabilization;
 3. A performance bond, decommissioning trust or escrow account, or letter of credit or a financial guarantee in an amount to be based upon the estimated cost of the decommissioning to insure completion of the decommissioning plan; and
 4. Any obsolete or unused MSES and appurtenant structures shall be removed from the property within 12 months of abandonment or decommissioning.
- (2) Small Solar Energy System - Small solar energy systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use or accessory use on the same lot or parcel upon compliance with the following requirements:



- A. The solar system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.
- B. All wiring must comply with applicable electrical codes and specifications.
- C. The solar system must be constructed to comply with any applicable fire safety codes.
- D. The solar energy system shall not be placed in the established front yard and shall be subject to the same side and rear yard setbacks as other accessory structures. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar equipment or parts.
- E. Notwithstanding the height limitations of the zoning district:
 - 1. For a building-mounted system installed on a sloped roof, the system must be installed at the same angle as the roof on which it is installed, with a maximum distance measured perpendicular to the roof of 18 inches between the roof and the highest edge of the system.
 - 2. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
 - 3. For a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six feet above the roof to which it is attached.
 - 4. Ground-mounted systems may not exceed 10 feet in height, measured from the tallest part of the structure when installed.
- F. The footprint of the ground-mounted solar energy system shall not exceed twenty-five percent (25%) of the lot area of the property on which it is placed.
- G. Screening and visibility.
 - 1. Building-mounted systems on a sloped roof shall not be required to be screened.
 - 2. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a fifty-foot radius of the property, at a level of five feet from the ground, in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar system is not visible from the public right-of-way within a fifty-foot radius at a level of five feet from the ground.
 - 3. If a building-mounted system is to be installed on any building or structure that is nonconforming because it violates the height or setback restrictions of the zoning district in which it is located, the building-mounted system may be granted a special

exception so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted.

- H. Vacation, abandonment and/or decommissioning. The owner shall remove all solar energy systems, solar panels and support structures, buildings, cabling, electrical components, roads and any other associated equipment within ninety (90) days of cessation or abandonment of the use.

SECTION 3. AMENDMENT OF ARTICLE IX, ("I") INDUSTRIAL ZONING DISTRICT. Article IX is hereby amended to add a Section 904, which shall read as follows:

Section 904 – Uses permitted by Special Exception – The following uses shall be permitted by Special Exception, utilizing the specific criteria provided herein:

(1) Large Solar Energy System. A Large Solar Energy System shall be permitted as a principal use and considered to be a single structure, subject to the following requirements:

- A. Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
- B. To the extent applicable, all facilities shall comply with the Pennsylvania Uniform Construction Code and the regulations adopted by the Pennsylvania Department of Labor and Industry.
- C. All electrical components of facilities shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- D. Facilities shall not display advertising, except for reasonable identification of the facility manufacturer.
- E. Preliminary and final land development approval is required for the construction of any solar-energy facility when it is the principal use on a site or lot.
- F. The following project information shall be submitted to the Township for every proposed solar-energy facility:
 - 1. Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the solar-energy system.
 - 2. An affidavit or similar evidence of agreement between the property owner and the solar-energy facility owner or operator demonstrating permission to apply for necessary permits for construction and operation of a solar-energy facility.
 - 3. Identification of the properties on which the proposed facility will be located and the properties adjacent to the proposed location.



4. A site plan showing the planned location of each proposed solar-energy facility, property lines, setback lines, access roads and the location of any ancillary structures, including equipment, cabling, buildings, structures, transmission lines, and substations.
 5. A viewshed impact analysis illustrating views of the proposed facility from multiple angles.
 6. A design certification by a certified engineer consisting of the proposed foundation design and analysis of soil conditions.
- G. Solar-energy facilities shall not exceed a maximum height of 15 feet, measured from ground level to the tallest point on the facility.
- H. All solar-energy facilities and any associated accessory equipment shall comply with all area, dimensional, and yard setbacks for the zoning district in which the facility is located, as well as any other zoning provisions that apply, including buffering and landscaping.
- I. Buffers and screening shall be provided, as follows:
1. A minimum 25-foot wide buffer area consisting of natural and undisturbed vegetation shall be preserved or provided around the perimeter of the site.
 2. Secure perimeter fencing shall be installed around the solar-energy facility. The fencing shall not be constructed within any required landscape buffer or setback. The fencing shall be chain link construction with rubberized coating in neutral earth tone colors such as black or brown.
- J. Noise levels from any component of the system shall not exceed 40 dBA when measured at the exterior lot line.
- K. A decommissioning plan shall be submitted as part of the zoning permit application for such system and shall include, but not be limited to, the following:
1. A schedule and methods for the removal of such system;
 2. A plan for restoring the site to a condition similar to its condition that existed immediately prior to the development of such system, including grading and vegetative stabilization;
 3. A performance bond, decommissioning trust or escrow account, or letter of credit or a financial guarantee in an amount to be based upon the estimated cost of the decommissioning to insure completion of the decommissioning plan; and
 4. Any obsolete or unused MSES and appurtenant structures shall be removed from the property within 12 months of abandonment or decommissioning.
- (2) Small Solar Energy System - Small solar energy systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use or accessory use on the same lot or parcel upon compliance with the following requirements:



- A. The solar system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.
- B. All wiring must comply with applicable electrical codes and specifications.
- C. The solar system must be constructed to comply with any applicable fire safety codes.
- D. The solar energy system shall not be placed in the established front yard and shall be subject to the same side and rear yard setbacks as other accessory structures. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar equipment or parts.
- E. Notwithstanding the height limitations of the zoning district:
 - 1. For a building-mounted system installed on a sloped roof, the system must be installed at the same angle as the roof on which it is installed, with a maximum distance measured perpendicular to the roof of 18 inches between the roof and the highest edge of the system.
 - 2. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
 - 3. For a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six feet above the roof to which it is attached.
 - 4. Ground-mounted systems may not exceed 10 feet in height, measured from the tallest part of the structure when installed.
- F. The footprint of the ground-mounted solar energy system shall not exceed twenty-five percent (25%) of the lot area of the property on which it is placed.
- G. Screening and visibility.
 - 1. Building-mounted systems on a sloped roof shall not be required to be screened.
 - 2. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a fifty-foot radius of the property, at a level of five feet from the ground, in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar system is not visible from the public right-of-way within a fifty-foot radius at a level of five feet from the ground.
 - 3. If a building-mounted system is to be installed on any building or structure that is nonconforming because it violates the height or setback restrictions of the zoning district in which it is located, the building-mounted system may be granted a special exception so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted.



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H. Vacation, abandonment and/or decommissioning. The owner shall remove all solar energy systems, solar panels and support structures, buildings, cabling, electrical components, roads and any other associated equipment within ninety (90) days of cessation or abandonment of the use.

SECTION 4. SEVERABILITY. The provisions of this Ordinance shall be severable and, if any of the provisions hereof shall be held unconstitutional, void or otherwise unenforceable, such shall not affect the validity of any of the remaining provisions of said Ordinance.

SECTION 5. EFFECTIVE DATE. The provisions of this ordinance shall become effective in seven (7) days.

PYMATUNING TOWNSHIP ORDAINS AND ENACTS AND IT IS HEREBY ORDAINED AND ENACTED FINALLY INTO LAW BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF PYMATUNING THIS 10 DAY OF June, 2021.

BOARD OF SUPERVISORS OF
PYMATUNING TOWNSHIP
MERCER COUNTY, PENNSYLVANIA

By Gary Lowes
Gary Lowes, Chairman

By Dave Gregory
Dave Gregory, Supervisor

By _____
Jim Rowe, Supervisor

ATTEST: Cheri DiGregorio
Cheri DiGregorio, Secretary