

**FAWN TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1-2020

**AN ORDINANCE AMENDING THE FAWN TOWNSHIP
ZONING ORDINANCE, AS AMENDED**

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Fawn Township Board of Supervisors that the Fawn Township Zoning Ordinance shall be amended as follows:

Section 1. Article I, Section 103.2, Definitions of the Fawn Township Zoning Ordinance shall be amended to insert the following definitions in alphabetical order:

ACCESSORY SOLAR ENERGY SYSTEM: An area of land or other area 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. An accessory solar energy system consists of one (1) or more freestanding ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily 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 (PSES): 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.

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 assuring adequate access to direct sunlight for Principal Solar Energy Systems.

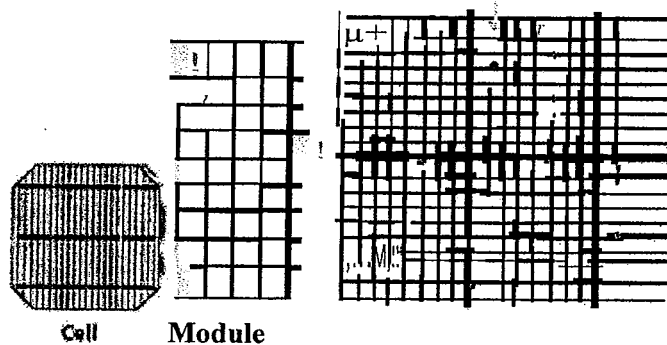
SOLAR ENERGY: Radiant energy (direct, diffuse, and/or reflective) received from the sun.

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.

1. SOLAR ARRAY: A grouping of multiple solar modules with purpose of harvesting solar energy.
2. SOLAR CELL: The smallest basic solar electric device that generates electricity when exposed to light.
3. SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy.



Section 2. Article III General Provisions shall be amended to delete the language in section 300.1 in its entirety and to replace with the following language:

“s300.1 Attached Structures: A permanent-roofed accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes, with the exception of Roof Mounted Solar Accessory Energy Systems as set forth in s.300.7.”

Section 3. Article III General Provisions shall be amended to add the following to Accessory uses:

“s.300.7 ACCESSORY SOLAR ENERGY SYSTEMS (ASES)

This use shall be permitted in as an accessory use in all zoning districts subject to the following regulations.

A. Regulations Applicable to All Accessory Solar Energy Systems:

1. ASES shall not cause a property to produce energy at a rate of 200% over what was previously produced on the property prior to the installation of the ASES. If the ASES can meet this criteria and the other criteria set forth in this section 3 the ASES shall be permitted by right in all zoning districts. For ASES which cannot meet this criteria they shall comply with the requirements of Section 4 Principal Solar Energy Systems.

2. Exemptions:

a. 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.

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 Fawn Township. Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Fawn Township codes under which the ASES was constructed.
4. ASES installers must certify 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 by meeting or exceeding one of the following requirements:
 - a. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
 - b. Has completed an Interstate Renewable Energy Council (REC) Institute for Sustainable Power Quality (ISPQJ) accredited Photovoltaic training program or a Photovoltaic manufacturer's training program and successfully installed a minimum of three Photovoltaic systems).
 - c. For residential applications, a registered home improvement contractor with the Attorney General's office.
5. All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.
6. The owner of an ASES shall provide Fawn 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.
7. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.
8. Glare
 - a. All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
 - b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through sighting or mitigation.
9. Permit Requirements
 - a. Zoning /building 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.

B. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

- 1. A roof mounted or wall mounted ASES may be located on a principal or accessory building.
- 2. ASES mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within each of the underlying Zoning Districts.
- 3. Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
- 4. Solar panels shall not extend beyond any portion of the roof edge.
- 5. 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.

C. Ground Mounted Accessory Solar Energy Systems:

1. Setbacks

- a. The minimum yard setbacks from side and rear property lines shall be equivalent to the accessory structure setback in the zoning district.
- b. Ground mounted ASES are prohibited in front yards, between the principal building and the public street.

2. Height

- a. Freestanding ground mounted ASES shall not exceed the maximum accessory structure height in the underlying zoning district.

3. Coverage

- a. The surface area of the arrays of a ground mounted ASES, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located.

- b. The total surface area of the arrays of ground mounted ASES on the property shall not exceed more than 15% of the lot area.
 - c. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the Fawn Township Stormwater Management Ordinance.
4. Screening
- a. Ground mounted ASES shall be screened from any adjacent property that is residentially zoned or used for residential purposes.
 - b. A solid fence, a minimum of six (6) feet in height, or vegetative screen a minimum of six (6) feet in height acceptable to the Township, shall be erected to screen from the view of the residential use.
 - c. Where a vegetative screen is used, such screen planting shall be approved by the Township Engineer and shall consist of evergreen plantings of a minimum of height of four (4) feet when planted. Such plants shall achieve a minimum mature height of six (6) feet. Vegetative screens shall receive continuing maintenance, which shall include replacement of any dead or diseased plantings.
5. 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.
6. 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 4. Article VI shall be amended to add the following:

“s.603.59 PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)

A. Regulations Applicable to All Principal Solar Energy Systems:

1. Primary Solar Energy Systems shall be permitted by special exception only in the Commercial Industrial Zoning District. In addition to the special exception criteria as listed in this Ordinance, all of the following criteria must be met in order for a PSES owner to receive approval for a special exception use.

2. Exemptions

- a. PSES 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 PSES, whether or not existing prior to the effective date of this Section that materially alters the PSES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

3. A Building Permit shall be required before the installation of any PSES and a Use Certificate shall be received before commencement of any operation of a PSES.
4. The owner of a PSES and the owner of the of the property where the PSES shall be constructed shall, prior to the issuance of any Building Permit permitting the installation of a PSES, enter into an Agreement with the Township requiring and committing the owner to pay to the Township an annual sum of \$2,000 per megawatt of capacity, payable in a lump sum before January 15th of each calendar year during commercial operation of the PSES with the first payment due in full upon the Township's issuance of a Use Certificate ate permitting the operation of such PSES and subsequent payments payable on or before January 15th of each succeeding calendar year, with such payment to be adjusted at the end of each five (5) year period to reflect changes in the Consumer Price Index-Seasonally Adjusted U.S. City Average, For All Items, For All Urban Consumers (CPI-U) as published by the U.S. Department of Labor, Bureau of Labor Statistics during the previous five (5) year period to reflect changes in the index since the year the Use Certificate was issued. Thus if there is a ten (10%) percent increase in the "CPI-U between the year in which the Use Certificate was issued and the end of the five (5) year period, the amount of required payment shall be increased by ten (10%) percent.
5. 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), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Fawn Township and with all other applicable fire and life safety requirements.
6. PSES installers 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 by meeting or exceeding one of the following requirements:
 - a. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
 - b. Has completed an Interstate Renewable Energy Council (IREC) Institute/or Sustainable Power Quality (JSPQ) accredited Photovoltaic training program or a Photovoltaic manufacturer 's training program and successfully installed a minimum of three Photovoltaic systems.
7. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
8. The owner of a PSES shall provide the Township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.
9. 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.

10. Glare

- a. All PSES shall be placed such that concentrated solar radiation or glare does not project- onto nearby structures or roadways.
- b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through sighting or mitigation.

11. The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Township. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.

12. Decommissioning

- a. The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
- b. The PSES owner shall then have twelve (12) 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.
- c. At the time of issuance of the permit/or the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the/Township to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original.
- d. If the PSES owner fails to complete the decommissioning within the 12 months, as is required in this Ordinance, then the Township may take measures as is necessary to complete decommissioning. To the extent that the Township incurs costs to rightfully perform any act to and furtherance decommissioning, it may draw on the financial security to pay for all costs and expenses. If the decommissioning costs and expenses are greater than the financial security, then the Township may charge the PSES owner for the excess costs and expenses, including reasonable attorney's fees for collection and such amounts shall be a special assessment/municipal lien against the property for the amount of the assessment plus an additional penalty of 10% of the assessment.
- e. Upon completion of decommissioning to the satisfaction of the Township, any remaining financial security shall be released to the PSES owner.

13. Prior to the issuance of a Use 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 : (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 .

14. Solar Easements

- a. Where a subdivision or land development proposes a PSES, 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.
- b. 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:
 - i. 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;
 - ii. Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
 - iii. Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
 - iv. Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and/or the owner of the real property benefiting from the solar easement in the event of interference with the easement.
- c. If necessary, a PSES 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).

15 Permit Requirements

- a. PSES shall comply with the Township subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
- b. The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.

B. Ground Mounted Principal Solar Energy Systems:

1. Minimum lot size

- a. The PSES shall meet the lot size requirement of the underlying zoning district.

2. Setbacks

- a. PSES shall comply with the setbacks of the underlying zoning districts for principal structures.

3. Height

- a. Ground mounted PSES shall comply with the accessory building height restrictions for the underlying zoning district.

4. Impervious Coverage

- a. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the Fawn Township Stormwater Management Ordinance.
- b. PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management.

5. Ground mounted PSES shall be screened from adjoining residential uses or zones according to the standards found in Section 2 of this ordinance.

6. 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 storm water conveyance system.

7. Security

- a. All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
- b. clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.

8. Access

- a. At a minimum, a 25' wide access road must be provided from a state or township roadway into the site.
 - b. At a minimum, a 20' wide cart way shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cart way width is the distance between the bottom edges of a solar panel to the top edge of the solar panel directly across from it.
 - c. Access to the PSES shall comply with the municipal access requirements in the Subdivision and Land Development Ordinance.
9. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.
10. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.

C. Roof and Wall Mounted Principal Solar Energy Systems:

1. 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.
2. PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

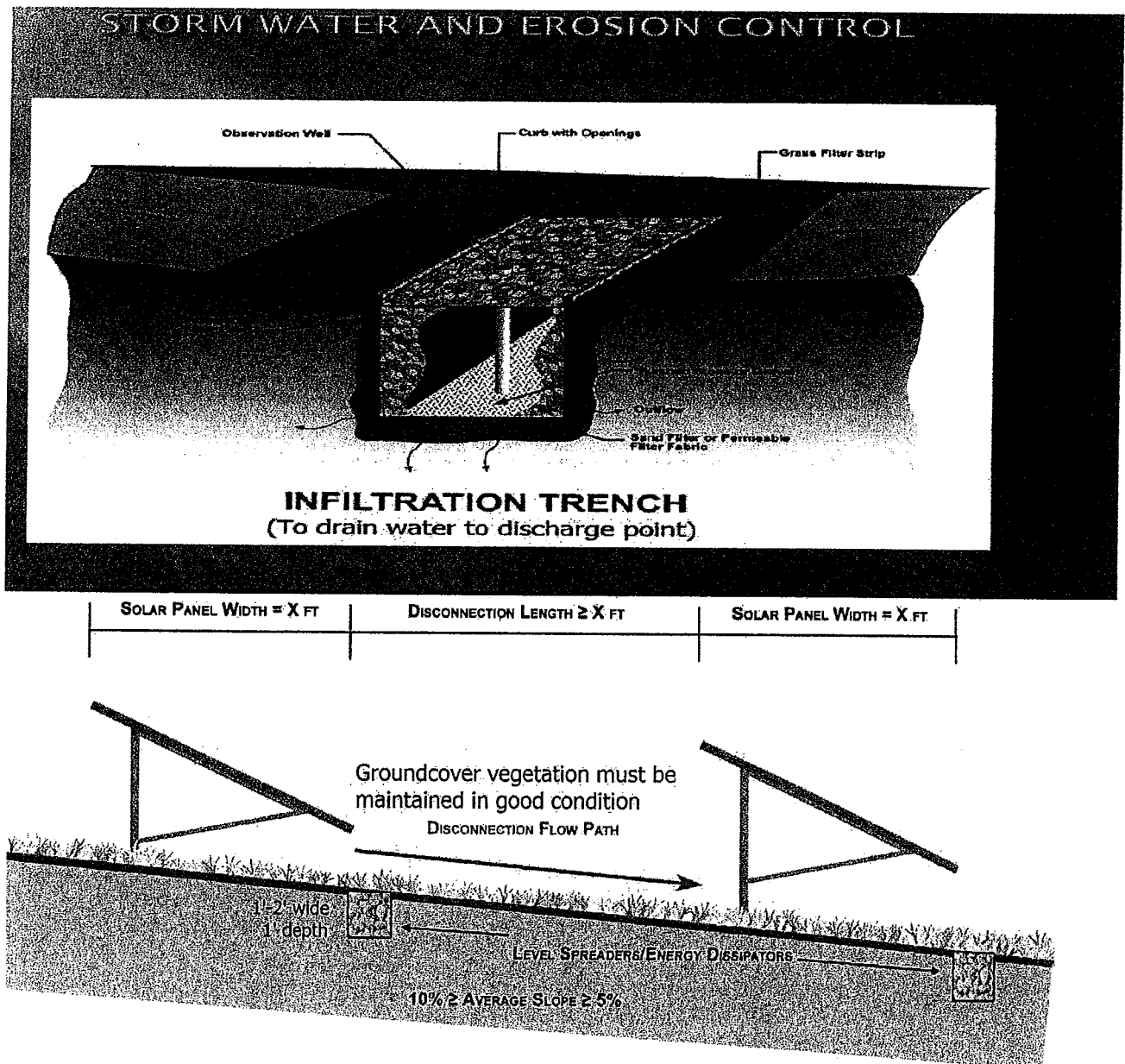
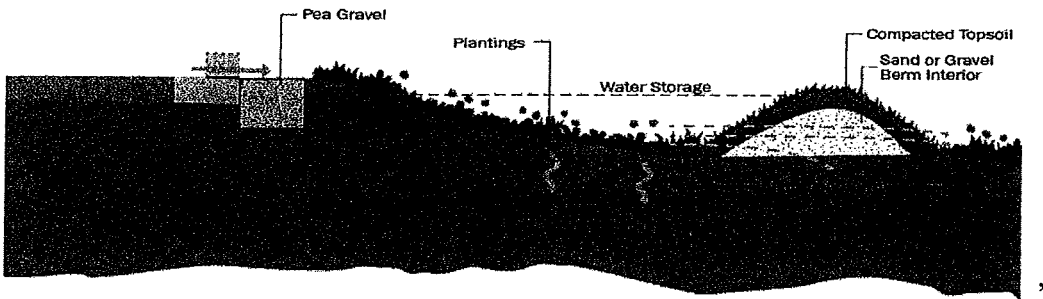


Figure 2. Typical Installation – Slope ≥ 5% but ≤ 10%

TYPICAL INFILTRATION BERM
(To reduce speed of water flow)



Section 5. Section 205.3 Uses by Special Exception of the Zoning Ordinance shall be amended to add the following use to the list of Principal Uses:

“ag. Principal Solar Energy Systems (see Section 603.59)”

Section 6. Table of Contents. The Table of Contents shall be amended to insert the following in proper numerical sequence and alphabetical order:

“Section 300.7 Accessory Solar Energy Systems (ASES)
Section 603.59 Principal Solar Energy Systems (PSES)”

Section 7. Severability. If any section, subsection, sentence or clause of this Ordinance is held, for any reason to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

Section 8. Repealer. Any ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

Section 9. Effective Date. This Ordinance shall be effective five (5) days after enactment.

ADOPTED AND ORDAINED this 12th day of October 2020.

ATTEST:


Secretary

FAWN TOWNSHIP
BOARD OF SUPERVISORS

By: 
Chairman