

ORDINANCE NO. 257

AN ORDINANCE OF TINICUM TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF TINICUM TOWNSHIP TO ADOPT SOLAR PROVISIONS.

WHEREAS, Section 1516 (53 P.S. Section 665116) of the Pennsylvania Second Class Township Code provides that the corporate powers of the Board of Supervisors of Tinicum Township (the "Board of Supervisors") include the ability to plan for the development of the Township through Zoning, Subdivision and Land Development Regulations under the Act of July 13, 1968 (P.L. 805, No. 247), as amended, known as the "Pennsylvania Municipalities Planning Code"; and

WHEREAS, the Board of Supervisors on or about September 1, 2005, duly adopted a revised and restated Tinicum Township Zoning Ordinance; and

WHEREAS, since its adoption, the Zoning Ordinance has from time to time been amended; and

WHEREAS, the Board finds it is in the interest of the Township and its citizens to amend the Zoning Ordinance to provide updated zoning standards; and

WHEREAS, the Board of Supervisors finds and determines that this Zoning Ordinance Amendment is consistent with the Community Development Objectives stated in the Township Comprehensive Plan and the Zoning Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby **ENACTED AND ORDAINED** by the Board of Supervisors of Tinicum Township, Bucks County, Pennsylvania, and public hearing, duly advertised and held on the 4th day of October, 2022, as follows:

Section 01: Section 705.H is amended to create an additional Accessory Use as follows:

H11 Accessory Solar Energy Systems. An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site use. An accessory solar energy system shall not be used for the generation of energy for sale into the wholesale market, although this provision shall not prohibit the sale of excess energy generated to the local utility company. The following requirements shall apply to accessory solar energy systems and a zoning permit shall be obtained prior to installation:

- (a) Accessory solar energy systems shall be located on the same lot as the principal use and shall be located within the building envelope of the zoning district in which the solar energy system is installed.

- (b) A ground-mounted accessory solar energy system may not exceed a height of 12 feet above the ground when oriented at maximum tilt.
- (c) The size of an accessory solar system shall not exceed the amount required to generate 110% of the energy requirements of the property.
- (d) Ground-mounted accessory solar energy systems may not be located within the front yard as defined in Article II.
- (e) Permitted roof-mounted solar panels shall not exceed a height of 3 feet from the rooftop at any point; shall not project vertically above the peak of a sloped roof or project vertically more than 5 feet above a flat roof installation; and shall not exceed the maximum height requirements for the district in which it is located.
- (f) The collector surface and mounting devices for roof-mounted accessory solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be permitted to extend beyond the perimeter of the building on side and/or rear yard exposures only.
- (g) No accessory solar energy system shall be located within the approach or transitional zones of any airport, unless documentation has been provided by the airport that there will not be a conflict with air traffic.
- (h) All exterior electrical, wiring, cables, and plumbing lines shall be installed in conduit underground to the maximum extent practical. All wiring shall comply with the applicable version of the National Electric Code (NEC).
- (i) Accessory solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system.
- (j) Accessory ground-mounted solar panels shall not be considered impervious and shall not be considered as such in the calculation of the maximum impervious coverage.
- (k) Solar energy systems are not permitted on a historic resource identified in the Tincum Township Open Space Plan 2000, Map 13 "Cultural Heritage" unless written approval has been granted by the Historical Commission.
- (l) A nonparticipating landowner shall not intentionally block, interfere, or disrupt the functional operation of an existing solar energy system. Owners of solar energy systems are encouraged but not required to obtain solar access easements from neighboring landowners to ensure solar access. When an applicant owns two or more adjacent lots, and at least one of those lots is proposed to utilize solar energy collection devices, the applicant is requested to consider establishing a solar access easement or a similar legal mechanism to make sure that structures or vegetation on one lot does not unreasonably obstruct solar access for the solar energy collection devices in the adjacent lot. Tincum Township does not guarantee and will not protect any individual property rights with respect to solar access. If such action or event should occur, the matter shall be resolved as a civil dispute between the landowners and Tincum Township shall not be held responsible.

- (m) If the System falls into disrepair, the Township shall notify the Current Property Owner to repair it within thirty (30) days of written notice to do so. If the Current Property Owner does not make the repairs, the Township may pursue enforcement action in accordance with the requirements of Article XVI.
- (n) Unless otherwise required by Tinicum Township, the landowner shall maintain a general liability policy covering bodily injury and property damage with a minimal limit of at least \$1 million per occurrence and a minimum of \$1 million in the aggregate for any solar energy system. Certificates shall be made available to Tinicum Township upon request.

Section 02: Section 705.F is amended to create a new Utility, Service and Transportation Use as follows:

F5 Solar Energy Commercial Operation. A solar collection system which exists solely to generate energy for sale into the wholesale market, rather than being consumed on site. Solar energy commercial operations shall include the solar energy system, accessory structures and buildings, including substations, electrical infrastructures, transmission lines, and other appurtenant structures, equipment, and facilities; and shall include any system installed as a ground array and/or mounted to a structure. Parcels utilized for Solar Energy Commercial Operation may also be used for agricultural uses.

Solar energy commercial operations are subject to the following provisions:

- (a) All associated solar energy equipment shall be located on the same lot as the principal use and shall be located within the building envelope of the zoning district in which the solar energy system is installed.
- (b) The solar energy commercial operation and all associated equipment shall conform to the area and dimensional requirements of the zoning district in which the solar energy system is installed and shall require land development plan approval.
- (c) All components of the facility shall be considered impervious and considered as such in the calculation of the maximum impervious coverage. Impervious coverage for solar panels/collectors shall be measured when oriented at the absolute maximum horizontal position.
- (d) A ground-mounted solar system may not exceed a height of 12 feet above the ground when oriented at maximum tilt.
- (e) The facility in its entirety shall be enclosed by a fence that is in compliance with NEC requirements and has a minimum height of seven (7) feet and a maximum height of eight (8) feet with a self-locking gate to prevent or restrict unauthorized persons or vehicles from entering the property on which the facility is located. Barbed wire is prohibited. The fence shall be located within the building envelope and shall be designed to allow small wildlife to pass through the lower portion of the fence.
- (f) The facility shall not display advertising. Signage on the solar energy commercial operation facility shall be limited to one sign at each access point no larger than 16

square feet identifying the manufacturer and owner, and shall provide a 24-hour emergency contact phonenumber. In addition, incidental signs shall be provided on the perimeter fence and at the base of all pad-mounted transformers and substations to inform individuals of potential voltage hazards. The signs shall comply with all applicable requirements of this Chapter.

- (g) All electrical transmission lines, wiring, and cables shall be installed in conduit underground.
- (h) No solar energy commercial operation facility shall be constructed until/unless a building/zoning permit has been approved and issued. The solar energy commercial operation facility shall comply with all applicable Township ordinances and codes so as to ensure the structural integrity of such solar energy commercial operation facility.
- (i) Solar energy systems are not permitted on a historic resource identified in the Tinicum Township Open Space Plan 2000, Map 13 "Cultural Heritage" unless written approval has been granted by the Historical Commission.
- (j) All mechanical equipment associated with and necessary for the operation of the solar energy commercial operation facility shall be screened from the right-of-way and any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other materials that provide a visual screen.
- (k) The owner of the facility shall provide a copy of the approved land development plan to the local fire company. The owner shall cooperate with the Township and local emergency providers to develop an emergency response plan. All methods of shutting down the facility shall be clearly marked.
- (l) No facility shall be constructed until proof is submitted that the owner has a written agreement with the applicable utility company to accept the electricity generated by the solar collection system.
- (m) All wiring shall comply with the applicable version of the National Electric Code (NEC). The installation of a solar energy commercial operation facility shall conform, to the extent applicable, to the Pennsylvania Uniform Construction Code [Chapter 5, Part 1A], as amended, to the regulations adopted by the Pennsylvania Department of Labor and Industry and to all other applicable regulations and industry standards, including those of the American National Standards Institute. Manufacturer's data and certificates of design compliance shall be submitted with the permit application and plan.
- (n) All roof installations shall require a structural analysis of the roof to certify the structural integrity of the roof for the proposed installation, if deemed necessary by the Township Code Official.
- (o) A nonparticipating landowner shall not intentionally block, interfere, or disrupt the functional operation of an existing solar energy system. Owners of solar energy systems are encouraged but not required to obtain solar access easements from neighboring landowners to ensure solar access. When an applicant owns two or more

adjacent lots, and at least one of those lots is proposed to utilize solar energy collection devices, the applicant is requested to consider establishing a solar access easement or a similar legal mechanism to make sure that structures or vegetation on one lot does not unreasonably obstruct solar access for the solar energy collection devices in the adjacent lot. Tincicum Township does not guarantee and will not protect any individual property rights with respect to solar access. If such action or event should occur, the matter shall be resolved as a civil dispute between the landowners and Tincicum Township shall not be held responsible.

- (p) The applicant shall demonstrate that the facility conforms to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturer from Underwriters Laboratories (UL), the Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Labs (ETL), or any other similar certifying organization.
- (q) If any of the requirements herein conflict with Federal and/or State requirements, then the Federal and/or State requirements shall govern unless the requirements of this Chapter are more stringent in which case this Chapter shall govern.
- (r) For all municipally owned or operated solar energy commercial operation facilities, the requirements of this Use F5 shall be as determined appropriate by the governing body.
- (s) No topsoil shall be removed from the site to accommodate the use.
- (t) Prior to the issuance of a zoning permit for the Commercial Solar Energy System, the Property Owner shall enter into an Installation and Maintenance Agreement in a form acceptable to the Township which will require the posting of Financial Security to assure the continued maintenance of the System and its decommissioning and removal when it is no longer in service.
- (u) Unless otherwise required by Tincicum Township, the landowner shall maintain a general liability policy covering bodily injury and property damage with a minimal limit of at least \$1 million per occurrence and a minimum of \$1 million in the aggregate for any solar energy system. Certificates shall be made available to Tincicum Township upon request.

If the System falls into disrepair or is no longer in service and is not removed within ninety

(90) days of it being taken out of service, the Township shall notify the Current Property Owner to repair or remove it within thirty (30) days of written notice to do so. If the Current Property Owner does not make the repairs or remove it, the Township may, but is not required to, make the repairs or remove it, and the Township shall deduct the cost of the repairs or removal from the Financial Security.

Section 03: Amend Sections 500.2(a), 501.2(b), and 600.2(a) to permit Use F5 Solar Energy Commercial Operation by Conditional Use in the CC, C, and PI Districts.

Section 04 Amend Sections 400, 401, 402, 403, 404, 500, 501, 502, 600, 601 to permit H11 AccessorySolar Energy Systems by-right.

Section 05 Amend Section 704 Table of Uses to permit Use F5 Solar Energy Commercial Operation by Conditional Use in the CC, C, and PI Districts and to allow Use H11 by-right in all districts.


Section 06 All inconsistent provisions of other ordinances or resolutions are repealed to the extent of the inconsistency. All other provisions of the ordinances of Tincum Township shall remain in full force and effect.

Section 07: The provisions of this ordinance are declared to be severable. If any provision of this ordinance is declared to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall have no effect on the remaining provisions of this ordinance.

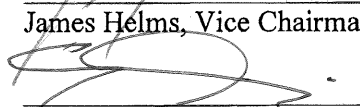
Section 08: This ordinance shall be effective five (5) days after adoption by the Tincum Township Board.

ORDAINED and ENACTED this 4th day of October, 2022.

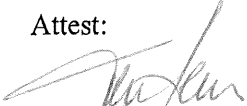
TINICUM TOWNSHIP
BOARD OF SUPERVISORS


Richard Rosamilia, Chairman


James Helms, Vice Chairman


Eleanor Breslin, Supervisor

Attest:


Teri Lewis, Township Manager