

ORDINANCE NO. 2011 - 9

**AN ORDINANCE OF THE TOWNSHIP OF HILLTOWN AMENDING CHAPTER 160 OF THE CODE OF ORDINANCES OF HILLTOWN TOWNSHIP TO PROVIDE FOR THE AMENDMENT OF REGULATIONS FOR WIND ENERGY CONVERSION SYSTEMS AND TO INCLUDE REGULATIONS FOR SOLAR ENERGY SYSTEMS; AND TO AMEND THE TABLE OF USES TO PERMIT SAID USES AS SUCH RELATES TO SAID USES**

WHEREAS, the Hilltown Township Board of Supervisors, upon recommendation of the Hilltown Township staff, the Hilltown Township Planning Commission and the Bucks County Planning Commission, has determined that it is in the best interest of the Township to amend Section 160-23.I. Accessory Uses to include regulations for wind energy conversion systems, solar energy systems and to provide said uses as permitted uses in designated districts as accessory uses.

NOW, THEREFORE, it is hereby ENACTED AND ORDAINED by the Hilltown Township Board of Supervisors that the Hilltown Township Chapter 160 of the Code of Ordinances of Hilltown Township is hereby amended as follows:

Article 1

Chapter 160-23.I (12) Wind Energy Conversion System (WECS) is hereby deleted; and replaced with the following:

(12) I12 Wind Energy Conversion System. A wind energy conversion system is a device which converts wind energy to mechanical or electrical energy and which is permitted only as an accessory use and structure in accordance with the following regulations:

- a. Wind system shall be permitted as an accessory use only.
- b. Principal Uses for which the wind system is a permitted accessory use are: A. Agricultural Uses, B. Residential Uses, G. Light Industrial and H. Heavy Industrial Uses.
- c. No wind system shall be permitted in any open space area that has been set aside, either as part of a development or preserved through a County, State, Federal or Conservancy preservation program. Open space area preserved through Hilltown Township shall be exempt from this provision.
- d. A wind energy system may be a freestanding pole structure or may be attached to another structure or building.

- e. Every proposed wind system, whether freestanding or attached to another structure, shall be designed and engineered to provide for safe operation. Detailed engineering plans, prepared by a licensed professional engineer, for all proposed wind systems shall be submitted with applications for approval. If an attached system is proposed, these engineering studies shall demonstrate to the satisfaction of the Township that the wind system shall not compromise the structural integrity of the building to which it is attached.
- f. Maximum height – The maximum height of any wind system is 65 feet from finished grade. This height shall include the pole or mounting structure and the blade when extended to its highest position. The pole or mounting device shall not exceed 50 feet.
- g. All wind systems shall be set back a minimum of 1.2 times the height of the structure, including the blade as extended to its highest position, from any lot line, above-ground utility line or pole and from any occupied structure on the same lot.
- h. The power generated by any wind system shall not be sold to any other customers except a public utility and shall be limited to use on the lot where the system is located.
- i. All facilities shall meet the applicable electrical codes and shall be performed by a licensed electrical contractor.
- j. Minimum lot size – The minimum lot size on which a wind energy system is permitted is three acres, or the minimum lot size for the use to which it is accessory, whichever is greater. There shall be no more than one wind energy system on any lot of three acres or less in size. For each wind energy system on any lot, there shall be a minimum of three acres for each system.
- k. Nuisance standards – All wind systems shall be designed to avoid any adverse impacts on surrounding properties. No lights shall be permitted on the wind system. All applications shall contain information on the proposed color, orientation, design of the system and any electrical interference effects.
- l. Access control – Access to the system shall be controlled by a fence with a height of eight (8) feet with locking portal. The ground level equipment and structures shall be adequately buffered from adjacent properties and street rights-of-way with landscaping or fencing.

- m. A minimum of one hazard warning sign shall be posted near ground level on the fence or on the tower structure.
- n. The electric and utility lines to and from a wind system shall be underground.
- o. Abandonment and removal:
  - 1. Any wind energy conversion system which has not been in active and continuous use for a period of one year shall be removed from the property to a place of safe and legal disposal.
  - 2. All structural enclosures accessory to the wind energy conversion system shall be completely removed from the property to a place of safe and legal disposal.
  - 3. The former wind energy conversion system site shall be restored to as natural condition as possible within six (6) months of the removal from the property.
- p. Natural Resource Protection Standards – All wind energy systems shall meet the Environmental Protection Standards, Article V, of Chapter 160 of the Code of Ordinances of Hilltown Township.

## Article 2

Chapter 160-23.I is hereby amended to add I21 Solar Energy System, which shall read as follows:

### I.21 Solar Energy System

- a. Applicability.
  - 1. This Ordinance applies to Solar Energy Systems to be installed and constructed after the effective date of the Ordinance, and all applications for Solar Energy Systems on existing structures or property. Solar Energy systems constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided however that any structural change, upgrade or modification to an existing Energy System that materially alters the size or placement of the Solar Energy System shall comply with the provisions of this Section.

- b. Solar energy systems are permitted under this Ordinance only as accessory uses to a principal use for which the solar energy system is providing heating and/or other energy. Any solar energy system designed or proposed to resell electricity on the open market and/or utility company shall be deemed a F1 Utility Use and shall not be considered an accessory use.
  - 1. Ground Arrays. Solar panels shall be permitted as ground arrays in the zoning districts identified within the Table of Use Regulations for I21 Solar Energy System as an accessory use in accordance with the following:
    - (a) Ground array solar panels shall be subject to the same setback distances for a principal use in the district wherein it is located, provided that no solar panel shall be located closer to the property line than 1.2 times the height of the solar panel.
    - (b) Ground arrays shall not be permitted in a front yard.
    - (c) Ground arrays shall be located so that any reflection is directed away or is properly buffered from an adjoining property.
    - (d) The highest point of the ground arrays structure shall not exceed a height of twenty (20) feet.
  - 2. Roof Mounts. Any roof-mounted solar panels subject to the provisions of this Section shall be permitted in the zoning districts identified within the Table of Use Regulations for I21 Solar Energy System as an accessory use in accordance with the following:
    - (a) Permitted roof-mounted solar panels shall include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface.
    - (b) Integrated or separate flush-mounted solar panels shall be located on a rear – or side-facing roof, as viewed from any adjacent street, unless such installation is proven to be ineffective or impossible. The removal of potential obstructions such as interceding vegetation shall not be sufficient cause for permitting a front-facing installation.

Front-facing installation may be permitted only by conditional use in accordance with the following provisions:

Applicant must indicate valid reasons as to why this is the only effective or possible means for utilizing solar energy on the property. Such information shall be certified by a professional deemed qualified by Hilltown Township and reviewed by the Hilltown Township Engineer and any other Township professional that the Board of Supervisors deems necessary.

- (c) No roof-mounted array shall exceed thirty-five (35) feet in height.
3. Any roof-mounted solar panels other than those described in subsection (2) above shall only be permitted as a conditional use, in accordance with the following conditions:
- (a) Such other roof-mounted solar panels shall be located on a rear-or side-facing roof, as viewed from any adjacent street.
  - (b) Such other roof-mounted solar panels shall not exceed a height of three (3) feet from the rooftop at any point. Solar panels installed on a building or structure with a sloped roof shall not project vertically above the peak of the roof to which it is attached, or project vertically more than three (3) feet above a flat roof installation.
  - (c) Applicant shall demonstrate to the satisfaction of the Township Engineer that the proposed use of roof-mounted solar panels is the only effective or possible means for utilizing solar energy on the property. Such information shall be certified by a professional deemed qualified by the Board of Supervisors and may be reviewed by any other Township professional that the Board of Supervisors deems necessary.
  - (d) No roof-mounted array shall exceed thirty-five (35) feet in height.

- c. In no event shall the placement of any solar panels result in a total height exceeding thirty-five (35) feet.
- d. Design and Installation. All solar energy systems shall comply with the following design, installation and general standards:
  - 1. The Solar Energy System shall comply with the Pennsylvania Uniform Construction Code (Act 45 of 1999), 35 P.S. § 7210.101 et seq., as amended, and the applicable regulations adopted by the Department of Labor and Industry, 34 Pa.Code § 401.1 et seq.
  - 2. The design of the Solar Energy System shall conform to applicable industry standards as determined by the Township.
  - 3. On existing construction, a Solar Energy System may be installed as long as it meets the requirements of this Chapter and all other applicable construction codes.
  - 4. Easements. On plans for new subdivision or land development that propose to provide for Solar Energy Systems, a notation shall be placed on the approved plan stating that restrictions have been placed on the lots in question, pursuant to a recorded deed of easement, concerning the placement of structures and vegetation as they relate to the Solar Energy Systems. The terms of the easement shall be as approved by the Township Solicitor.
  - 5. All Solar Energy System contractors applying for permits must submit proof of appropriate insurance in a manner, form and amount acceptable to the Township.
  - 6. Solar Energy Systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from the property line.
  - 7. The design of Solar Energy Systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
  - 8. The installation of Solar Energy Systems is subject to all electric service requirements for interconnection.

9. This Section's height provisions shall supersede all height provisions of other Sections with respect to Solar Energy Systems. The highest point of solar panels on rooftops shall not exceed thirty-five (35) feet. The highest point of solar panels on ground arrays shall not exceed twenty (20) feet.
- e. Abandonment and Removal of Solar Energy Systems.
1. Any solar panel (roof or ground) and/or Solar Energy System which has not been in active and continuous service for a period of one (1) year or more shall be removed from the property to a place of safe and legal disposal.
  2. All structural enclosures accessory to the solar panels and/or Solar Energy System shall be completely removed from the property to a place of safe and legal disposal.
  3. The former Solar Energy System site shall be restored to as natural conditions as possible within six (6) months of the removal from the property.

Article 3

Table of Use Regulations is revised to add the following I12 Wind Energy Conservation System and I21 Solar Energy System Uses:

**Township of Hilltown**  
**Table of Use Regulations**  
 N=Not Permitted; Y=Permitted By-Right;  
 CU=Conditional Use; SE=Special Exception

Use	RR	CR-1	CR-2	VC	LI	HI	PC-1	PC-2	MHP	Q	AQRC
I12 Wind Energy Conversion System	Y	Y	Y	N	Y	Y	N	N	N	N	N
I21 Solar Energy System	Y	Y	Y	N	Y	Y	N	N	N	N	N

Article 4

Repealer

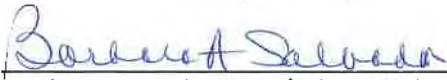
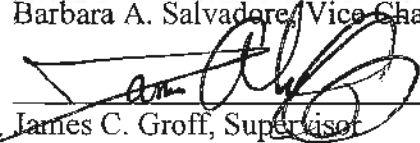
Any Ordinance or Ordinance provision of the municipality inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

Article 5

Severability

Should any Section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

**ENACTED AND ORDAINED** at a regular meeting of the Hilltown Township Board of Supervisors on the 27th day of June, 2011. This Ordinance shall take effect immediately.

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John B. McIlhinney, Chairperson  
  
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Barbara A. Salvadore, Vice Chairperson  
  
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James C. Groff, Supervisor