

ORDINANCE FOR
ON-SITE USAGE OF SOLAR PHOTOVOLTAIC SYSTEMS

Borough of Dormont, Allegheny County, Pennsylvania

Ordinance No. 1598

An Ordinance to the Zoning Ordinance of the Borough of Dormont by modifying Article II, Section 210-7, Definitions, by adding definitions for solar photovoltaic systems and by amending Article XI, Supplemental Regulations, by incorporating a new section 210-73 A to permit certain solar photovoltaic systems as accessory uses in all zoning districts and by revising Article XI, by adding provisions for the permitting of certain solar photovoltaic systems.

BE IT HEREBY ENACTED AND ORDAINED by the Council of the Borough of Dormont, Allegheny County, Pennsylvania, that the Borough of Dormont Zoning Ordinance shall be amended in the following respects:

Section 1. Article II Section 210-7 shall be amended to include the following definitions:

Array: Any number of electrically connected photovoltaic (PV) modules providing a single electrical output.

Building-Integrated System: A solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

Building-Mounted System: A solar photovoltaic system attached to any part or type of roof on a building or structure that has an occupancy permit on file with the Municipality and that is either the principal structure or an accessory structure on a recorded lot or parcel. This system also includes any solar-based architectural elements.

Cell: The smallest basic solar electric device which generates electricity when exposed to light.

Drip line: The outermost edge of a roof including eaves, overhangs and gutters. Ground-Mounted

System: A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

HVAC: Equipment used to heat, cool or ventilate a structure.

Interconnection: The technical and practical link between the solar generator and the grid providing electricity to the greater community.

Kilowatt (kW): A unit of electrical power equal to 1,000 Watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used. 1,000 kW is equal to 1 megawatt (MW).

Module: A module is the smallest protected assembly of interconnected PV cells. Net Metering Agreement: An agreement with a local electric utility that allows customers to receive a credit for surplus electricity generated by certain renewable energy systems.

Photovoltaic (PV): A semiconductor based device that converts light directly into electricity.

Solar-based Architectural Element: Structural/architectural element that provides protection from weather that includes awnings, canopies, porches or sunshades and that is constructed with the primary covering consisting of solar PV modules, and may or may not include additional solar PV related equipment.

Solar Photovoltaic (PV) Related Equipment: Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

Solar Photovoltaic (PV) System: A solar collection system consisting of one or more building- and/or ground-mounted systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. A solar PV system is a generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations and do not produce excess on-site energy greater than currently permitted by Pennsylvania Public Utility Commission guidelines.

Tracking System: A number of photovoltaic modules mounted such that they track the movement of the sun across the sky to maximize energy production, either with a single-axis or dual-axis mechanism.

Unregulated Yard Area: Area not within a building and not in a defined setback or yard area.

Section 2. Section 210-73 A: Onsite Usage of Solar Photovoltaic Systems is added as follows:

A. Purpose.

It is the purpose of this regulation to promote the safe, effective and efficient use of installed solar energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses and lots and parcels. This Ordinance seeks to:

1. Provide property owners and business owners/operators with flexibility in satisfying their on-site energy needs.

2. Reduce overall energy demands within the community and to promote energy efficiency.
3. Integrate alternative energy systems seamlessly into the community's neighborhoods and landscapes without diminishing quality of life in the neighborhoods.

B. Applicability.

1. This Ordinance applies to building-mounted and ground-mounted systems installed and constructed after the effective date of the Ordinance.
2. Solar PV systems constructed prior to the effective date of this Ordinance are not required to meet the requirements of this Ordinance.
3. Any upgrade, modification or structural change that materially alters the size or placement of an existing solar PV system shall comply with the provisions of Article XI.

C. Permitted Zoning Districts.

1. Building-mounted and ground-mounted 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 issuance of the proper permit pursuant to and upon compliance with all requirements of this section and as elsewhere specified in this Ordinance.
2. Building-integrated systems, as defined by this Ordinance, are not considered an accessory use and are not subject to the requirements of this Ordinance.
3. The Ordinance shall be amended to include this use in as an accessory use in all zoning districts.

D. Location Within a Lot.

1. Building-mounted systems are permitted to face any rear, side and front yard or any unregulated yard area as defined in Article II of this Ordinance. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
2. Ground-mounted systems are permitted based on the requirements for accessory uses or structures in the property's zoning district.

E. Design and Installation Standards.

1. The solar PV 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.
2. All wiring must comply with the National Electrical Code, most recent edition, as amended and adopted by the Commonwealth of Pennsylvania.

3. The solar PV system must be constructed to comply with the most recent fire code as amended and adopted by the Commonwealth of Pennsylvania.

F. Setback Requirements.

1. Ground-mounted systems. Ground-mounted systems are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed. 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 PV related equipment or parts.

G. Height Restrictions.

1. Notwithstanding the height limitations of the zoning district:
 - a. For a building-mounted system installed on a sloped roof that faces the front yard of a lot, 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 eighteen (18) inches between the roof and highest edge of the system.
 - b. 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.
2. Notwithstanding the height limitations of the zoning district:
 - a. For a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six (6) feet above the roof to which it is attached.
3. Ground-mounted systems may not exceed the permitted height of accessory structures in the zoning district where the solar PV system is to be installed.
4. Any solar installation approved after the date of this Ordinance and that exceeds the maximum building height of the zoning district, shall not constitute a non-conformity so long as it complies with other provisions of this Ordinance.

H. 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 50 foot radius of the property, exclusive of an alley as defined by this Ordinance, at a level of 5 (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 PV system is not visible from the public right-of-way within a 50 foot radius at a level of 5 (five) feet from the ground.

I. Impervious Lot Coverage Restrictions.

1. The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district. If the ground-mounted system is mounted above existing impervious surface, it shall not be calculated as part of the lot coverage limitations for the zoning district.

J. Non-conformance.

1. Building-mounted systems:

- a. If a building-mounted system is to be installed on any building or structure that is non-conforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system may be granted an administrative approval by the Zoning Officer so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted.

- b. If a building-mounted system is to be installed on a building or structure on a non-conforming lot that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system may be granted administrative approval by the Zoning Officer so long as there is no expansion of any setback or lot coverage non-conformity.

2. Ground-mounted systems:

If a ground-mounted system is to be installed on a lot that is non-conforming because the required minimum setbacks are exceeded, the proposed system may be granted an administrative approval by the Zoning Officer so long as the proposed installation does not increase the setback non-conformance of the lot. If a ground-mounted system is to be installed on a lot that is non-conforming because it violates any other district requirements not mentioned herein, a variance must be obtained for the proposed installation.

K Signage and/or Graphic Content.

1. No signage or graphic content may be displayed on the solar PV system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.

L. Performance Requirements.

1. All solar PV systems are subject to compliance with applicable performance standards detailed elsewhere in the Zoning Ordinance

M. Vacation, Abandonment and/or Decommissioning.

1. Discontinuation/abandonment is presumed when a solar PV system has been disconnected from the net metering grid for a period of six (6) continuous months without being connected to a battery system or has not produced electricity for a period of six (6) months. The burden of proof in the presumption of discontinuation/abandonment shall be upon the Borough of Dormont.
2. A solar PV system including its solar PV related equipment must be removed within twelve (12) months of the date of discontinuation or abandonment or upon the termination of the useful life of the solar PV system.
3. For ground-mounted and building-mounted systems, removal includes removal of all structural and electrical parts of the ground or building-mounted system and any associated facilities or equipments and removal of all net metering equipment.
4. If the owner fails to remove or repair the vacated, abandoned or decommissioned solar PV system within six (6) months, the Municipality reserves the right to enter the property, remove the system and charge the landowner and/or facility owner and operator for all costs and expenses including reasonable attorney's fees or pursue other legal action to have the system removed at the owner's expense.
5. Any unpaid costs resulting from the Municipality's removal of a vacated, abandoned or decommissioned solar PV system shall constitute a lien upon the lot against which the costs were charged. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens.

N. Permit Requirements.

1. Before any construction or installation on any solar PV system shall commence, the Applicant shall obtain a Permit to document compliance with this Ordinance as issued by the Borough of Dormont.

SECTION 3. 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 or parts of this Ordinance. It is hereby declared as the intent of Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 4. All Ordinances or parts of Ordinances which are inconsistent herewith, except to the extent otherwise provided herein, are hereby repealed. The following Ordinances or parts thereof are specifically repealed.

ORDAINED AND ENACTED into law this 3rd day of June, 2013

ATTEST:

DORMONT BOROUGH

_____ By: _____
Borough Manager Council President

Mayor

This Ordinance recorded in the Borough Ordinance book on _____, 2013 by the undersigned.
