

OFFICIAL**BOROUGH OF FOREST HILLS
ORDINANCE NO. 1108**

AN ORDINANCE OF THE BOROUGH OF FOREST HILLS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27 OF THE FOREST HILLS BOROUGH CODE OF ORDINANCES, ZONING, AS AMENDED, TO AMEND THE REGULATIONS RELATING TO SOLAR ENERGY SYSTEMS WITHIN THE BOROUGH.

WHEREAS, the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, as amended, (“MPC”) authorizes the Borough of Forest Hills (the “Borough”) to regulate zoning and land use in the Borough; and

WHEREAS, Chapter 27 of the Borough of Forest Hills Code of Ordinances, Zoning, as amended, (the “Zoning Ordinance”) regulates zoning and land use within the Borough consistent with the requirements of the MPC in order to maintain, preserve and protect the public health, safety and welfare; and

WHEREAS, Borough Council desires to regulate the development and use of solar energy systems within the Borough while protecting the public health, safety, and welfare of Borough residents; and

WHEREAS, Borough Council believes that solar energy is a renewable energy resource and valuable economic resource that can be utilized throughout the Borough in order to implement the objectives and goals contained in the Borough Comprehensive Plan, to encourage the use of local renewable energy resources, and to promote sustainable building design and practices; and

WHEREAS, the Council of the Borough desires to amend Chapter 27 of the Forest Hills Borough Code of Ordinances, Zoning, to amend certain regulations relating to solar energy systems within the Borough.

NOW, THEREFORE, the Council of the Borough of Forest Hills hereby ordains and enacts as follows, incorporating the above recitals by reference:

SECTION 1. Section 27-202 of the Zoning Ordinance, which sets forth definitions, is amended by inserting the underlined terms and deleting the stricken terms as follows:

GRADE

The average elevation of the proposed grade line of the ground at the front of the structure as shown on the construction plans; in the case of a structure abutting the front property line, the elevation of the curb in front of the center of the structure, or if there is no curb, the elevation of the proposed grade line at the center of the front lot line; in case no grade line is established the actual existing grade of the traveled roadway shall apply.

GRID-CONNECTED SOLAR ENERGY SYSTEM

A solar photovoltaic system that is connected to an electric circuit served by an electric utility company.

GROCERY STORE

A retail establishment which primarily sells meat and food products, but which may also include, as accessory uses, a delicatessen, a coffee bar, a pharmacy, a florist, a dry cleaning pick-up service, a travel agency, video rental (excluding an adult video store), banking and copy/fax services.

GROSS FLOOR AREA

See “floor area, gross.”

GROUND-MOUNTED SOLAR ENERGY SYSTEM (ACCESSORY USE)

A solar photovoltaic system mounted on a rack or structure, pole that is ballasted on, or is attached to, the ground and the system is accessory to the primary use of

~~the parcel on which it is located, or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.~~

GROUND-MOUNTED SOLAR ENERGY SYSTEM (PRIMARY USE)

A solar photovoltaic system mounted on a rack or pole that is ballasted on, or is attached to, the ground and is the primary land use for the parcel(s) on which it is located. Primary use systems are permitted through a discretionary approval process.

RIGHT-OF-WAY

An area of land reserved or dedicated for public or private purposes to provide access across property of another.

ROOF-MOUNTED SOLAR ENERGY SYSTEM

A solar photovoltaic system mounted on a rack that is ballasted on, or is attached to, the roof of a building or structure. Roof-mount systems are accessory to the primary use.

SIGN REPLACEMENT

The reconstruction of a conforming or nonconforming sign that has been destroyed or significantly damaged by natural causes and where such reconstruction occurs within 90 days of such destruction or damage.

SOLAR ENERGY SYSTEM

A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

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 energy system that converts solar energy directly into electricity, the primary components of which are solar panels, mounting devices, inverters, and wiring.

~~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.~~

SECTION 2. Section 27-1016 of the Zoning Ordinance, which sets forth definitions, is amended by deleting the stricken text and inserting the underlined text as follows:

§27-1016. Building-Mounted and Ground-Mounted Solar Panels.

1. Applicability and Permitting.

2. Location Within a Lot.

- A. Building-mounted systems are permitted to face any rear, side or front yard, as defined in 27-202 of this chapter.

- B. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures and shall comply with all applicable requirements for accessory uses.

C. Ground-mounted systems shall comply with all applicable requirements for accessory uses and structures.

D. Ground-mounted systems are exempt from maximum impervious surface requirements where the area under the system contains vegetative ground cover.

3. Design and Installation Standards.

C. Where the area beneath a ground-mounted system is pervious and made up of vegetative ground cover the system shall not be considered an impervious surface for the purpose of maximum lot coverage or other requirements subject to approval by the Borough Engineer.

5. Height Restrictions.

A. Notwithstanding the height limitations of the zoning district:

(1) 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 18 inches between the roof and highest edge or surface 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.~~ the system shall be installed parallel to the roof surface and may not extend beyond the edge of the roof peak.

(3) For a building-mounted system installed on a flat roof, ~~the highest point of the system shall be permitted to extend up to six feet above the roof to which it is attached.~~ the system is permitted to exceed the zoning district height limits by up to 10 feet.

B. Ground-mounted systems may not exceed 12 feet in height in any residential district, and may not exceed the maximum building height in the district in which it is located if located in a nonresidential district.

SECTION 3. All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

SECTION 4. This Ordinance shall take effect in accordance with applicable law.

ORDAINED and **ENACTED** this 20th day of Sept., 2023, by the Council of the Borough of Forest Hills in lawful session duly assembled.

ATTEST:

BOROUGH OF FOREST HILLS



Steven J. Morus
Borough Manager/Secretary

By: 

Markus Erbeldinger
President, Borough Council

(Seal)

EXAMINED and **APPROVED** this 20th day of September 2023



Frank Porco
Mayor