TOWNSHIP OF ROBINSON
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 1 of 2021

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWNSHIP OF ROBINSON, CHAPTER 300 (ZONING), ARTICLE II (DEFINITIONS; WORD USAGE), TO ADD DEFINITIONS APPLICABLE TO SOLAR ENERGY SYSTEMS IN SPECIFIED ZONING DISTRICTS; TO AMEND ARTICLE VII (SUPPLEMENTARY REGULATIONS) TO PROVIDE FOR THE REGULATION OF ACCESSORY SOLAR ENERGY SYSTEMS WITHIN THE TOWNSHIP; TO PROVIDE FOR THE SEVERABILITY OF THE PROVISIONS THEREOF AND THE EFFECTIVE DATE THEREOF.

WHEREAS, the Robinson Township Board of Commissioners previously duly enacted a Zoning Ordinance of Robinson Township, Allegheny County, Pennsylvania ("Zoning Ordinance"), pursuant to its statutory authority under the Pennsylvania Municipalities Planning Code ("MPC"), Act 247 of 1968, as amended (53 P.S. §10101 et seq.); which Zoning Ordinance was codified as Chapter 300 of the Code of Ordinances of Robinson Township; and

WHEREAS, the MPC enables a municipality through its Zoning Ordinance to regulate the use of property and to promote the conservation of energy through access to and use of renewable energy resources; and

WHEREAS, the Board of Commissioners of Robinson Township, Allegheny County, Pennsylvania proposes to amend the Code of Ordinances to set forth requirements for solar energy systems with the Township; and

WHEREAS, the Board of Commissioners has met the procedural requirements of the MPC and of the Township's Ordinances for the adoption of the proposed Ordinance, including notice, review, and holding of a public hearing; and

WHEREAS, the Board of Commissioners, after due consideration of the proposed Ordinance Amendment, at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of Robinson Township will be served by the proposed Ordinance amendments.

NOW, THEREFORE, be it ordained and enacted by the Board of Commissioners of the Township of Robinson, Allegheny County, Pennsylvania, that Chapter 300 (Zoning) of the Code of Ordinances of the Township of Robinson and it is hereby ordained and enacted as follows:

Section 1. Amending Chapter 300 (Zoning), Article II (Definitions; Word Usage) to read as follows with added language underlined:

§300-12 Definitions

As used in this Chapter, the following terms shall have the meaning indicated:

ACCESSORY SMALL SOLAR ENERGY SYSTEM ("ASES") – An area of land or other area used for an accessory 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 principal use. An Accessory Small Solar Energy System consists of one (1) or more free-standing ground, roof or building mounted solar arrays or modules, or solar related equipment; is primarily intended to reduce on-site consumption of utility power or fuels; has a rated capacity of less than or equal to ten (10) kilowatts peak (K Wp) (for electricity) or rated storage volume of the system of less than or equal to two hundred forty (240) gallons or that has a collector area of less than or equal to one thousand (1,000) square feel (for thermal); and meets all of the design criteria set forth in Section 300-78.1 (Solar Energy Systems).

ACCESSORY UTILITY SCALE OF SOLAR ENERGY SYSTEM ("AUS") – An area of land or other area used for an accessory 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 principal use. An Accessory Utility Scale Solar Energy System consists of one (1) or more free-standing ground, roof or building mounted solar arrays or modules, or solar related equipment; is primarily intended to reduce on-site consumption of utility power or fuels; has a rated capacity of greater than ten (10) kilowatts peak (K Wp) (for electricity) or rated storage volume of the system of greater than two hundred forty (240) gallons or that has a collector area of greater than one thousand (1,000) square feel (for thermal); does not, in the case of electricity system, produce in excess of one hundred twenty (120%) percent of the electrical needs of the principal use on the property and meets all of the design criteria set forth in Section 300-78.1 (Solar Energy Systems).

In determining the electrical needs of the principal use of the property, the average electrical use over the immediately, preceding three (3) year period shall be used, except in cases of new construction or when the use has been in place for less than three (3) years. For cases involving new construction, or when the principal use has existed less than three (3) years, the electrical need of the principal use shall be based on an estimate provided by Applicant's Electrical Engineer subject to the approval of the Township Engineer.

BUILDING – Any structure having a roof, supported by columns or walls, that is permanently affixed to the land. For purposes of this definition, as solar panel shall not be deemed to be a "roof", and a solar array shall not be deemed to be a "roof" provided that there are non-water tight gaps between the solar panels that are determined by the Township Engineer to allow sufficient flow of water.

IMPERVIOUS SURFACE – A surface which resists the entrance or passing through of water or other liquids. Solar panels, or arrays of solar panels that allow water to pass between the panels at a rate determined by the Township Engineer to be sufficient, are considered to be pervious and shall not be taken into account when determining the property's maximum impervious surface provided that the Applicant demonstrates to the satisfaction of the Township Engineer that such panels or arrays do not cause a post construction increase in the discharge rate of stormwater flows over the pre-construction discharge rate.

KILOWATTS PEAK (K Wp) – For the purposes of measuring the electric generation capacity of a solar energy system, K Wp means the maximum energy generation capacity the system can deliver when operating under standard conditions.

SOLAR ARRAY - A grouping of multiple solar panels with the purpose of harvesting solar energy.

SOLAR CELL – The smallest basic solar electric device, which generates electricity when exposed to light.

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

SOLAR MODULE - A grouping of solar cells with the purpose of harvesting solar energy.

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 hearing and/or for electricity.

SOLAR RELATED EQUIPMENT – Items including a solar cell, module, panel or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and foundations or other structures used for or intended to be used for collection of solar energy

Section 2. Amending Chapter 300, Article IV (Zoning Districts), Section 35 (Height Requirement Exceptions), to add the following underlined language

§300-35 Height Requirement Exceptions.

D. Ground Mounted Accessory Utility Scale Solar Energy Systems shall not exceed the average of twenty (20) feet in height (measured from the ground to the bottom of the panel or array at the centermost point of the array, or in the case of a single panel not part of an array, or in the case of a single panel not part of an array, the centermost point of the panel), provided that there is not more than three (3) feet of variation in height between adjacent solar panels or arrays. The purpose of the average height and variations established is to ensure that solar panels and arrays are arranged to account for ground variation while maintaining an overall rolling contour between solar panels and arrays to ensure maximum capture of solar energy and a more aesthetic look.

Section 3. Amending Chapter 300, Article IV (Zoning Districts), Section 42 (C-2 Community Commercial District) to read as follows with added language underlined and deleted language bracketed:

§300-42. C-2 Community Commercial District.

C. Area and Bulk Regulations.

(2) Minimum lot area.

(g) [All other uses: 20,000 square feet.]

Accessory Utility Scale Solar Energy Systems: on parcels of greater than ten (10) acres.

(h) All other uses: 20,000 square feet.

(5) Maximum Lot Coverage.

(a) Maximum Building Coverage: Fifty (50%) Percent, provided that in the event that the property includes an Accessory Utility Scale Solar Energy System, the maximum combined coverage of buildings and solar arrays and related improvements shall not exceed Sixty (60%) Percent of which no more than Fifty (50%) Percent can be covered by buildings.

(7) Minimum Yard Requirements for a Multiple-Structure Development.

(c) Maximum Lot Coverage.

(i) Maximum Building Coverage: Fifty (50%) Percent, provided that in the event that the property includes an Accessory Utility Scale Solar Energy System, the maximum combined coverage of buildings and solar arrays and related improvements shall not exceed Sixty (60%) Percent, of which no more than Fifty (50%) Percent of the coverage can be buildings.

Section 4. Amending Chapter 300, Article VII (Supplemental Regulations), Section 73 (General Provisions for Accessory Uses and Structures), to read as follows with added language underlined and deleted language bracketed:

§300-73 General Provisions for Accessory Uses and Structures.

A. Permitted Accessory Uses. Accessory uses permitted by this Chapter include but are not limited to:

20. Accessory Small Solar Energy Systems.

21. In the C-2 District Accessory Utility Scale Solar Energy Systems.

Section 5. Amending Chapter 300, Article VII to add a new section to the Article to read as follows:

§300-78.1 SOLAR ENERGY SYSTEMS

A. Accessory Utility Scale Solar Energy Systems

(1) Regulations Applicable to All Accessory Utility Scale Solar Energy Systems

(a) Accessory Utility Scale Solar Energy Systems (referred to herein as "AUS System") shall be permitted on parcels of at least ten (10) acres in size as an accessory use by right in the C-2 Zoning District to any lawfully permitted principal or accessory use on the same parcel upon issuance of the Solar Permit specified in this Ordinance.

(b) Exemption. AUS System 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 AUS System whether or not existing prior to the effective date of this Section that materially alters the AUS System shall comply with the requirements of this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

(c) The AUS System layout, design, installation and ongoing maintenance shall confirm to applicable industry standards and shall comply with the PA Uniform Construction Code (UCC), Act 45 of 1999, as amended, as enforced by Robinson Township, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

(d) Upon completion of the installation, the AUS System shall be maintained in good working order in accordance with standards of the Robinson Township Codes under which the AUS System was constructed. Failure of the property owner to maintain the AUS System in good working order is grounds for appropriate enforcement actions by Robinson Township in accordance with applicable Ordinances.

(e) All on-site utility, transmission lines and plumbing shall be placed underground to the extent feasible.

(f) The owner of an AUS System shall provide Robinson Township written confirmation that the public utility company to which the AUS System 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.

(g) The display of advertising is prohibited except for reasonable identification of the manufacture of the system.

(h) Prior to the issuance of a Zoning Permit, Applicants must acknowledge in writing that the issuing of said permit for a solar energy system 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 growing 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.

(i) Decommissioning

(i) Each AUS System and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by the system owner and/or operator, or upon termination of the useful life of same.

(ii) The AUS System shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.

(j) Permit Requirements

(i) 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 AUS System is constructed.

(ii) The Zoning/Building Permit shall be revoked if the AUS System, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the AUS System not to be in conformity with this Ordinance.

(iii) The AUS System must be property 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 the general welfare. In the event of a violation of any of the foregoing provisions, the Code Enforcement Officer shall give written notice specifying the violation to the owner of the AUS System to conform or remove the AUS System within Sixty (60) days of receipt of notification.

2. Roof Mounted and Wall Mounted Accessory Utility Scale Solar Energy Systems.

(a) A roof mounted or wall mounted AUS System may be located on a principal or accessory building.

(b) AUS System mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying Zoning District.

(c) Wall mounted AUS Systems shall comply with the setbacks for principal and accessory structures in the underlying Zoning District.

(d) Solar panels shall not extend beyond any portion of the roof edge unless they are an architectural element of the building or roof edge.

(e) For roof and wall mounted systems, the Applicant shall provide evidence that the plans comply with the Uniform Construction Code (UCC), Act 45 of 1999, as amended, and the adopted Building Code of the Township, and that the roof or wall is capable of holding the load imposed on the structure.

(3) Ground Mounted Accessory Utility Scale Solar Energy Systems

(a) Setbacks – The minimum yard setbacks from the side and rear property lines shall be equivalent to the accessory structure setback in the Zoning District.

(b) Height – Freestanding ground mounted AUS System shall not exceed an average of twenty (20) feet provided that there is no more than three (3) feet of variation in height between adjacent solar panels or arrays.

(c) Coverage:

(i) The area beneath the ground mounted AUS System is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the applicable Zoning District.

(ii) Solar arrays or panels that allow water to pass between the solar panels are considered to be pervious and do not count toward a property's maximum impervious surface.

(d) Ground mounted AUS System shall comply with all buffer yard and/or screening requirements in the underlying Zoning District.

(e) Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment and structures. All electrical control devices associated with the AUS System shall be locked to prevent unauthorized access or entry.

(f) Ground mounted AUS System shall not be placed within any legal right-of-way location, easement area other than a stormwater facilities easement area subject to the conditions of this paragraph (f), or be placed in a manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system, as proven by the Applicant to the satisfaction of the Township Engineer. A ground mounted AUS System may be placed in a storm water conveyance system easement area of the Property only if the Application proves to the satisfaction of the Township Engineer that the placement shall not alter or imped the water runoff from collecting in a constructed storm water conveyance system, and the Applicant enters into a recorded Easement Agreement, or an Amendment to an existing easement instrument with the Township, in a form acceptable to the Township solicitor, that includes covenants acceptable to the Township regarding the maintenance and operation of the storm water conveyance system and the AUS improvements therein; provides rights of access to the Township for inspection and, if necessary, corrective work at the cost of the Applicant in event of default, and indemnification provisions in favor of the Township.

(g) Ground mounted AUS System shall only be placed in the rear yard of the Property.

B. Accessory Small Solar Energy Systems

(1) Regulations Applicable to All Accessory Small Solar Energy Systems

(a) Accessory Small Solar Energy Systems (referred to here as "ASES") shall be permitted as a use by right in all Zoning Districts as an accessory use to any lawfully permitted principle or accessory use on the same parcel upon issuance of the ASES Solar Permit specified in this Ordinance.

(b) Exemptions

(i) ASES with an aggregate collection and/or focusing area of one hundred (100) square feet or less are exempt from this Section 300-78.1.

(ii) ASES construct prior to the effective date of his 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.

(c) The ASES layout, design, installation and ongoing maintenance shall confirm to applicable industry standards and shall comply with the PA Uniform Construction Code (UCC), Act 45 of 1999, as amended, as enforced by Robinson Township, and with all other applicable fire and life safety requirements. The manufacture specifications for the key components of the system shall be submitted as part of the application.

(d) Upon completion of the installation, the ASES shall be maintained in good working order in accordance with standards of the Robinson Township Codes under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by Robinson Township in accordance with applicable Ordinances.

(e) All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.

(f) The owner of an ASES shall provide Robinson 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.

(g) The display of advertising is prohibited except for de minimis identification labels of the manufacture of the system that are a standard part of the equipment as manufactured.

(h) Prior to the issuance of a Zoning Permit, Applicants must acknowledge in writing that the issuing of said permit for a solar energy system 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.

(i) Decommissioning

(i) Each ASES System and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by the system owner and/or operator, or upon termination of the useful life of same.

(ii) The ASES System shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.

(j) Permit Requirements

(i) 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 System is constructed.

(ii) The Zoning/Building Permit shall be revoked if the ASES System, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the AUS System not to be in conformity with this Ordinance.

(iii) The ASES System 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 the general welfare. In the event of a violation of any of the foregoing provisions, the Code Enforcement Officer shall give written notice

specifying the violation to the owner of the ASES System to conform or remove the ASES System within Sixty (60) days of receipt of notification.

(2) Roof Mounted and Wall Mounted Accessory Utility Scale Solar Energy Systems.

(a) A roof mounted or wall mounted ASES System may be located on a principal or accessory building.

(b) ASES System mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying Zoning District.

(c) Wall mounted ASES Systems shall comply with the setbacks for principal and accessory structures in the underlying Zoning District.

(d) Solar panels shall not extend beyond any portion of the roof edge unless they are an architectural element of the building or roof edge.

(e) For roof and wall mounted systems, the Applicant shall provide evidence that the plans comply with the Uniform Construction Code (UCC), Act 45 of 1999, as amended, and the adopted Building Code of the Township, and that the roof or wall is capable of holding the load imposed on the structure.

(3) Ground Mounted Accessory Small Solar Energy Systems

(a) Setbacks – The minimum yard setbacks from the side and rear property lines shall be equivalent to the accessory structure setback in the Zoning District.

(b) Height – Freestanding ground mounted ASES System shall not exceed the maximum accessory structure height in the underlying Zoning District.

(c) Coverage: The area beneath the ground mounted ASES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the applicable Zoning District.

(d) 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.

(e) Ground mounted ASES shall not be placed within any legal right-of-way location, easement area or be placed in a manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

(f) Ground mounted ASES shall only be placed in the rear yard of the Property.

SECTION 6. Steep Slopes

Refer to Section 146 of the Robinson Township Zoning Ordinance (SALDO Ordinance).

SECTION 7. Repealer

All Ordinances of parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION 8. Revisions

The Board of Commissioners does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its zoning ordinance, including this provision.

SECTION 9. Severability

In the event any provisions, sections, sentences, clause, or part of this Ordinance Amendment shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance Amendment, it being the intend of the Board of Commissioners that the remainder of the Ordinance Amendment shall remain in full force and effect.

SECTION 10. Effective Date

This Ordinance Amendment shall take effect and be in force upon its enactment by the Board of Commissioners of Robinson Township as provided by law.

DULY ORDANCED AND ENACTED this 6 day of DECEMBER, 2021, by the Board of Commissioners of Robinson Township, Allegheny County, Pennsylvania, in lawful Session duly assembled.

ATTEST:

Frank Piccolino, III
Township Manager

TOWNSHIP OF ROBINSON

Samuel Abatta
Chairman

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