

**§ 490-85.1. Large solar energy production facility. [Added 12-6-2012 by Ord. No. 2012-05]**

Large solar energy systems are permitted as provided in Article II herein and subject to the following criteria:

A. The applicant shall provide the following information:

- (1) A plan, prepared by a Pennsylvania-registered professional engineer, indicating the location of all existing and proposed facilities on the subject tract, property limits, required setbacks, utility locations and locations of any ground-mounted equipment.
- (2) Calculations indicating both the existing and proposed building coverage and impervious coverage for the subject tract.
- (3) A narrative addressing how the proposed facility's impacts will be minimized for the surrounding properties. This should include, at a minimum, information regarding site selection, facility design or appearance, buffering and screening of ground-mounted equipment.
- (4) Solar panels shall be placed such that concentrated radiation or glare shall not be directed onto nearby properties or roadways.
- (5) Submission of a landscape plan, prepared by a Pennsylvania-registered landscape architect, indicating appropriate screening for the proposed facility. Vegetative screening shall be in accordance with § 490-85.1M of this chapter.
- (6) If applicable, the applicant shall provide to the Township a copy of the agreement between the landowner of the real property on which the solar energy facility is to be located and the facility owner, demonstrating that the facility owner has permission of the landowner to apply for necessary permits or approvals for construction and operation of the solar energy facility.

B. Large-scale solar energy facilities shall be considered land development.

C. Dimensional requirements.

- (1) Lot coverage. Only the base or foundation of the solar panel that is affixed to the land, rather than the entire solar panel, shall be considered impervious cover, provided that there is adequate space between panels for water to flow off of the collector onto a pervious surface.
- (2) A ground-mounted solar energy system shall not exceed the maximum building height for the zoning district in which it is located.
- (3) Ground-mounted solar energy systems shall meet the setback requirements for the underlying zoning district.
- (4) When a building is necessary for the storage of cells and/or equipment or components related to the solar energy system, the building must not exceed 400 square feet in area, must not exceed 15 feet in height and must not be located within any side, rear or front yard setback.

D. Signage.

- (1) Clearly visible warning signs shall be placed at the base of all pad-mounted transformers and substations, and on the fence, barrier or perimeter of large-scale solar energy systems, to inform individuals of potential voltage hazards.
- (2) A solar energy system shall not be used to display advertising, including signage, streamers,

§ 490-85.1

§ 490-85.1

pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturer's and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system, provided they comply with the prevailing sign regulations.

- E. All ground-mounted large solar energy facilities shall be enclosed by a fence, barrier or other appropriate means to prevent or restrict unauthorized persons or vehicles from entering the property.
- F. Proof that the design of the large solar energy system conforms to the applicable industry standards, including those of the ANSI, Underwriters' Laboratories (UL), the ASTM, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer's specifications shall be submitted as part of the application.
- G. All solar energy system installations must be certified by a professional firm from a list of approved solar electric installers provided on the Pennsylvania Sunshine Program website operated by the Pennsylvania Department of Environmental Protection or from the North American Board of Certified Energy Practitioners.
- H. On-site transmission and power lines shall, to the maximum extent practicable, be placed underground.
- I. Ground-mounted solar energy systems shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.
- J. The owner of the large solar energy production facility shall be required to provide a certificate of insurance to the Township providing evidence of liability insurance of not less than \$1,000,000 and naming the Township as an additional insured on the policy or policies of the owner and/or lessee.
- K. At the time of issuance of the permit for the construction of the large solar energy production facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.
- L. Any change in ownership of the property shall be registered with the Township within 30 days of said change in ownership.
- M. Vegetative screening.
  - (1) All materials used for screening shall be six feet at initial planting or shall reach a minimum height of six feet above the finished grade of the land at the site of planting within two years of planting.
  - (2) Planting materials shall be permanently maintained in order to ensure effective screening and shall be replaced when necessary.
  - (3) All required trees, shrubs and yard ground cover shall be native trees and shrubs from a list developed by the Hellam Township Environmental Advisory Council (EAC). The list of acceptable native trees and shrubs for buffer planting, screening and landscaping shall be maintained by Hellam Township and provided to anyone by the Zoning Officer upon request.
  - (4) Vegetative screen must be comprised of plant material that will provide a minimum opacity of 80% in winter and 80% in summer. One of the following arrangements shall be utilized:
    - (a) Screen planting shall contain three staggered rows of vegetative material. This screen

§ 490-85.1

§ 490-85.1

planting shall consist of one row of fast-growing needled evergreens spaced not more than 12 feet on center and two rows of deciduous trees, with a minimum height potential of 20 feet, spaced not more than 25 feet on center.

- (b) Screen plantings shall contain two staggered rows of vegetative material. Seventy-five percent shall be fast-growing needled evergreens planted 10 feet on center and staggered for effective screening. The remaining 25% shall be deciduous trees planted in staggered clusters, with 25 feet being the maximum spacing between trees.
- (c) Screen planting shall contain two staggered rows of vegetative material. Seventy-five percent shall be fast-growing needled evergreens planted 10 feet on center and staggered for effective screening. Fifteen percent shall be deciduous trees planted in staggered clusters 25 feet on center. The remaining 10% shall be staggered shrub masses used as understory plants and in combination with deciduous tree clusters. The maximum spacing for shrubs shall be four feet on center. The deciduous trees and shrubs are suggested to break up the straight line planting of one type of planting material.

N. Decommissioning.

- (1) The large solar energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The large solar energy production facility owner shall then have 12 months in which to dismantle and remove the large solar energy production facility from the property.
- (2) If a ground-mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground-mounted solar energy system shall be graded and reseeded.
- (3) If a ground-mounted solar energy system has been abandoned (meaning not having been in operation for a period of six months) or is defective or is deemed to be unsafe by the Hellam Township Building Code Official, the solar energy system shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Hellam Township Building Code Official. If the owner fails to remove or repair the defective or abandoned solar energy system, the Township may pursue a legal action to have the system removed at the owner's expense.



Township of Hellam, PA  
Thursday, September 28, 2023

## Chapter 490. Zoning

### Article III. General Provisions

#### § 490-25. Accessory uses and structures.

- L. Small solar energy systems. Small solar energy systems are permitted as an accessory use and structure in all zoning districts if the following criteria are met:  
[Added 12-6-2012 by Ord. No. 2012-05]

- (1) No person shall install or construct a small solar energy system until a principal building is constructed and all applicable zoning and building permits are issued.
- (2) All owners of property upon which a solar energy system is installed shall be required, as a condition of the issuance of the zoning permit, to acknowledge in writing to the Township that the issuance of a zoning 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 obstruction 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.
- (3) The design and installation of small solar energy system shall conform to applicable industry standards, including those of the ANSI, Underwriters' Laboratories (UL), the ASTM, or other similar certifying organizations and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer's specifications shall be submitted as part of the application.
- (4) All solar energy system installations must be certified by a professional firm from a list of approved solar electric installers provided on the Pennsylvania Sunshine Program website operated by the Pennsylvania Department of Environmental Protection or from the North American Board of Certified Energy Practitioners.
- (5) All structural parts of any ground-mounted small solar energy system shall meet all accessory structure setback requirements for the zone in which it is located, but in no event shall they be closer than 15 feet to any side or rear property line.
- (6) Small solar energy systems mounted on the roof of any building shall be allowed to exceed the maximum height of the district, provided that they do not exceed the maximum height by more than five feet. If the panels cover more than 50% of the roof area, the owner shall provide evidence, in the form of stamped plans certified by a professional engineer, that the roof is capable of holding the load.
- (7) Small solar energy systems which are ground-mounted or detached from the principal or accessory structure shall comply with all height restrictions for accessory structures in that zone.

- (8) The determination as to whether or not the system constitutes pervious or impervious coverage shall be undertaken by the Zoning Officer at the time of submission of the application based on the material used for ground cover under the system.
- (9) The owner shall provide evidence, in the form of electric usage data, demonstrating that the sizing of the system does not exceed the needs of the property. Off-grid systems shall be exempt from this requirement.
- (10) Ground-mounted solar energy systems shall not be placed within any legal easement or right-of-way location or be placed within any stormwater conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.
- (11) In the Rural Agricultural District, roof-mounted systems are preferred; and if the property owner wishes to install a ground-mounted or freestanding system, the owner shall demonstrate that roof-mounted systems are not practical. Ground-mounted and freestanding components of the small solar energy system shall be permitted on prime agricultural land or prime agricultural soils, provided that the total area of prime agricultural land or prime agricultural soils utilized for the ground-mounted and freestanding components does not exceed 1/4 acre. All underground on-site utility and transmission lines located on prime agricultural land or prime agricultural soils shall be placed at a sufficient depth so as not to interfere with surface farming activities.
- (12) A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners and similar materials. The manufacturer's or installer's identification and any appropriate warning signs and placards may be displayed on the solar energy system, provided they comply with the Township's sign regulations.
- (13) The solar energy system shall be kept in good repair and sound condition. Upon abandonment of use, the solar panels and all related structures and equipment shall be dismantled and removed from the lot within 60 days.
- (14) If a ground-mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground-mounted solar energy system shall be graded and reseeded.
- (15) Multiple solar energy systems. In the event that a property owner seeks to install more than one roof-mounted or ground-mounted solar energy system, the second or subsequent apparatus shall require approval by the Zoning Officer upon review and certification of the impact of the same by a registered engineer.

## Corina Mann

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**From:** Jason Test  
**Sent:** Thursday, September 28, 2023 9:00 PM  
**To:** Michael Shillott Sr; jkokiko@gmail.com; jbeifert@comcast.net; Chris Altland; Devin Winand; fowens@fandm.edu; Cooper, Rick; sdfetrow@gmail.com; Susan Enrico  
**Cc:** Corina Mann; Nedette Otterbein; Bill Conaway (wtconaway@comcast.net)  
**Subject:** Current solar ordinances  
**Attachments:** Township of Hellam, PA Accessory uses and structures\_ solar.pdf; Large solar energy production facility.pdf

Good evening,

Attached are the current solar ordinances. I also included the definition of a small solar energy system. There was a discussion concerning the current ordinance for small solar systems and if they could sell power back the utility company. I believe the last sentence of the definition does allow the sale of power to the utility company. If you have any questions feel free to contact me.

### **SMALL SOLAR ENERGY SYSTEM**

A solar collection system consisting of one or more roof- and/or ground-mounted solar collector devices and solar-related equipment, and which is intended to reduce on-site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal power solely for on-site use; except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

Jason Test  
Zoning Officer