

ORDINANCE NO. 25 7

AN ORDINANCE OF THE TOWNSHIP OF CAERNARVON (THE "TOWNSHIP"), BERKS COUNTY, PENNSYLVANIA; AMENDING THE CAERNARVON TOWNSHIP ZONING ORDINANCE OF 2007 ("ORDINANCE") TO ADD AT ARTICLE III, SECTION 300 OF THE ORDINANCE THE DEFINITIONS OF "SOLAR PANEL"; "SOLAR ENERGY SYSTEMS"; AND SOLAR MECHANICAL EQUIPMENT; AND ADD AT ARTICLE VI, NEW SECTION 653 ENTITLED "SOLAR ENERGY SYSTEM STANDARDS".

BE IT ENACTED AND ORDAINED by the Supervisors of Caernarvon Township, Berks County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by the authority of the same that:

SECTION 1: Purpose. The purpose of this ordinance is to regulate the installation and use of Solar Energy Systems to protect the public health, safety and welfare.

SECTION 2: Section 300 of Article III of the Ordinance, "Definitions", as previously amended, is hereby amended to include the following definitions:

- A. Solar Energy: means radiant energy received from the sun.
- B. Solar Panel: also known as a "photovoltaic module", a solar panel is the packaged interconnect assembly of photovoltaic cells used as a component in a Solar Energy Facility to offer electricity for commercial and residential applications.
- C. Solar Energy System: means any solar energy device or any structural design feature mounted on a building or on the ground and the primary purpose of which is to provide for the collection, storage and distribution of solar or radiant energy from the sun and used for heating or cooling, for water heating and/or for the generation of electricity.
- D. Solar Mechanical Equipment: means the inverters, substations, and similar equipment associated with and necessary for the operation of the Solar Energy System. This definition specifically excludes the Solar Panels and any racking or similar systems used to anchor the Solar Panels.

SECTION 3: Article VI of the Ordinance, as previously amended, is hereby amended to add new Section 653, as follows:

1. This Section shall determine where and under what standards a Solar Energy System may be constructed in the Township. Solar Energy Systems shall be permitted in every zoning district and may be installed upon receipt of any required construction, electrical and/or mechanical permit(s). Solar Energy Systems shall be permitted as an accessory use in all zoning districts. Solar Energy Systems as a primary use on a lot shall be permitted as a Use by-Right in the I-1 Limited Industrial and I-2 General Industrial Districts, and as a conditional use in all other zoning districts.

2. Applicability.

- a. This Section applies to all Solar Energy Systems constructed or erected on existing structures or property after the effective date of this Section.
- b. Solar Energy Systems constructed prior to the effective date of this Section shall not be required to meet the requirements of this Section.
- c. Any substantial upgrade, modification or structural change that increases the size or relocates an existing Solar Energy System, must comply with this Section.

3. Design and Installation for Solar Energy Facilities.

- a. To the extent applicable, the Solar Energy System shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and the regulations adopted by the Department of Labor and Industry.
- b. The design of the Solar Energy System shall conform to applicable manufacturer standards.
- c. Solar Energy System may be roof-mounted, mounted on structure or ground mounted as set forth herein.
- d. Any required signs shall conform to the applicable sign regulations for the zoning district in which the Solar Energy System is located. Any required warning signs and placards are permitted for the Solar Energy System regardless of their size and/or location. The appropriate sign permits shall be obtained from the Township for all signs associated with the Solar Energy System.
- e. A Solar Energy System installed as a primary use on a property shall have a fence installed around the facility to secure the location.

4. Ground-Mounted Solar Energy Systems must meet the following requirements:

- a. A ground-mounted Solar Energy Systems must meet the height restrictions of the zoning district in which it is located.
- b. A ground-mounted Solar Energy System shall meet the set back requirements of the district in which it is located.
- c. All exterior electrical and/or plumbing lines must be installed in accordance with the applicable electrical or plumbing code.
- d. When a ground-mounted Solar Energy System is installed as an accessory use, the Solar Energy System must comply with the applicable accessory structure requirements of the district in which it is located.

e. Any glare from Solar Panels must be properly buffered from an adjoining property or roadway.

f. 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.

g. Ground-mounted Solar Energy Systems in residential zoning districts may occupy no more than 20% of the Lot Size of the property upon which it is constructed/installed.

5. Roof-Mounted Solar Energy Systems must meet the following requirements:

a. Integrated or separate flush-mounted Solar Panels shall be located on a rear or side-facing roof, as viewed from any adjacent street, unless the proposed location prevents the system from operating as designed. 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 by waiver by Board of Supervisors where the Applicant indicates 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 the Board of Supervisors and reviewed by the Township Engineer and any other Township Professional that the Township deems necessary.

b. The height of roof-mounted systems on the principal buildings or accessory buildings shall not extend more than 3 feet above the finished roof peak to which it is mounted, unless screened by parapet or roof screening. In no instance shall any part of the system extend beyond the edge of the roof.

c. Solar roof-mounted panels shall be placed such that glare shall not be directed onto nearby properties or roadways.

6. Solar Mechanical Equipment: Solar Mechanical Equipment associated with and necessary for the operation of the Solar Energy System must be screened from any adjacent residentially zoned property. The screen shall consist of shrubbery, trees or other plant materials, which provides a visual screen at a level acceptable to the Board of Supervisors. Solar Mechanical Equipment must meet the setback requirements of the zoning district in which the Solar Energy System is located.

7. Abandonment and removal: Any solar panel (roof or ground) that has been abandoned for a period of 1 year shall be removed from the property to a place of safe and legal disposal.

8. Conditional Use Standards for Solar Energy Systems constructed as a primary use in zoning districts other than the I-1 or I-2 Zoning Districts.

a. The applicant shall demonstrate that the proposed Solar Energy System is adequately screened from adjoining uses.

b. The applicant shall demonstrate how the Solar Energy System will be secured from vandalism and trespass.

c. The applicant shall demonstrate that the Solar Energy System will be installed, operated and maintained in accordance with accepted industry standards.

d. The applicant shall demonstrate its compliance or proposal to comply with all of the applicable requirements of this Section, and the Conditional Use standards of this Zoning Ordinance.

SECTION 4: Severability. If any provision, sentence, clause, phrase, section or part of this Ordinance 257 is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, or parts of the Ordinance. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.


SECTION 5: In all other respects, the Caernarvon Township Zoning Ordinance of 2007, as amended, shall remain in full force and effect.


SECTION 6: This Ordinance 257 shall become effective five (5) days after the date of enactment.

ENACTED AND ORDAINED by the Board of Supervisors of Caernarvon Township, Berks County, Pennsylvania, this 24th day of August 2010, at a public meeting assembled.

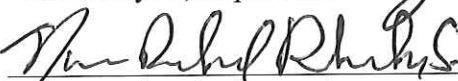
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