

LEGAL NOTICE

NOTICE is hereby given that the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania, will consider for adoption at a Public Hearing to be held at 7:00 p.m. on the 25th day of April, 2017, at the Hanover Township Municipal Building, 3630 Jacksonville Road, Bethlehem, Pennsylvania, an Ordinance to amend the Code of Ordinances by amending the text of the Hanover Township Zoning Ordinance Chapter 185 to provide for certain amendments to the Regulation of Solar Energy Systems. In the event that the Board of Supervisors do not consider for adoption the Ordinance described hereinafter at the Public Hearing, the Board of Supervisors will consider the Ordinance for adoption at a regular meeting of the Board of Supervisors to be held on the 9th day of May, 2017, at the Hanover Township Municipal Building, 3630 Jacksonville Road, Bethlehem, Pennsylvania.

Copies of the proposed Ordinance are available for review at the Hanover Township Municipal Building located at 3630 Jacksonville Road, Bethlehem, Pennsylvania during normal business hours.

The following is the proposed Amendment to the Hanover Township Zoning Ordinance:

ORDINANCE NO. 17- _____

AN ORDINANCE OF THE BOARD SUPERVISORS OF THE TOWNSHIP OF HANOVER, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA TO AMEND THE CODE OF ORDINANCES BY AMENDING THE TEXT OF THE “HANOVER TOWNSHIP ZONING ORDINANCE” CHAPTER 185 TO PROVIDE FOR CERTAIN AMENDMENTS TO THE REGULATION OF SOLAR ENERGY SYSTEMS AND REPEALING ALL OTHER ORDINANCES INCONSISTENT HEREWITH

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania as follows:

The Supervisors of Hanover Township, Northampton County, Pennsylvania, under the powers vested in them by the “Second Class Township Code” of Pennsylvania and the authority and procedures of the “Pennsylvania Municipalities Planning Code”, as amended, as well as other laws of the Commonwealth of Pennsylvania, do hereby enact and ordain the following amendment to the text of the Hanover Township Zoning Ordinance.

WHEREAS, the Board of Supervisors of Hanover Township desires to amend its Zoning Ordinance to remove certain provisions dealing with the regulation of Solar Energy Systems within the Township of Hanover, Northampton County, Pennsylvania.

NOW, THEREOFRE, be it enacted and ordained by the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania, and the same is hereby ordained and enacted as follows, to wit:

SECTION 1: Chapter 185 Zoning, Article III “Regulations Applicable to All Districts” of the Code, Section 185-22 Additional regulations, Subsection 185.22.1 is hereby amended by revising the Subsection in its entirety to read as follows:

“§185-22.1. – Solar Energy Systems

(A) Applicability.

- (1) This Ordinance applies to Solar Energy Systems to be installed and constructed after the effective date of the Ordinance, and all applications for Solar Energy Systems on existing structures of property. Solar Energy Systems constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided that any structural change, upgrade or modification to an existing Solar Energy System that materially alters the size or placement of the existing Solar Energy System shall comply with the provisions of this Section.
- (2) Solar panels shall be permitted as ground arrays in any zoning district in accordance with the following:
 - (a) All ground arrays shall be setback a distance of 10 times the structure height from all property lines in a residential district or in conformance with the bulk standards for accessory structures in nonresidential districts as provided herein.
 - (b) Ground arrays shall not be permitted in a front yard and shall be subject to the setback distances prescribed for any structure for the applicable Zoning District or the ground array to be constructed.
 - (c) Ground arrays shall be located so that any reflection is directed away or is properly buffered from an adjoining property or roadways.
 - (d) Ground arrays shall not exceed a height at the highest point of the structure, of fifteen (15) feet.
 - (e) All ground arrays shall be enclosed by fencing in order to provide for the security and safety of the Solar Energy System and the public.
 - (f) Applicant shall, at the discretion of the Board of Supervisors, provide emergency lighting for purposes of security and safety.
- (3) Any roof-mounted solar panels subject to the provision of this section shall be permitted in any zoning district and in accordance with the following:

- (a) Permitted roof-mounted solar panels shall include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface.

(B) Design and Installation

- (1) To the extent applicable, the Solar Energy System shall comply with the Pennsylvania Construction Code (Act 45 of 1999), 35 P.S. §7210.101 *et seq.*, as amended, and the applicable regulations adopted by the Department of Labor and Industry, 34 Pa. Code §401.1 *et seq.*
- (2) For any Solar Energy System, the applicant shall demonstrate to the satisfaction of the Township that the proposed Solar Energy System as designed, is an effective means for utilizing solar energy solely for the property on which it is located. Such information shall be certified by a professional from the list approved solar electric installers provided on PA Sunshine Program website operated by the Pennsylvania Department of Environmental Protection or from the North American Board of Certified Energy Practitioners (NABCEP).

(C) The design of the Solar Energy System shall conform to applicable industry standards.

(D) On existing construction, a Solar Energy System may be installed as long as it meets the requirements of this Chapter and all other applicable construction codes.

(E) Easements. On plans for new subdivision or land development that propose to provide for Solar Energy Systems, a notation shall be placed on the approved plan stating that restrictions have been placed on the lots in question, pursuant to a recorded deed of easement, concerning the placement of structures and vegetation as they relate to the Solar Energy Systems. The terms of the easement shall be as approved by the Township Solicitor.

(F) General Requirements

- (1) Abandonment and Removal of Solar Energy Systems.

- (a) Any component of a Solar Energy System located on a roof or ground or buried in the ground (such as wiring/plumbing) which has not been in active and continuous service for a period of one (1) year shall be removed from the property to a place of safe and legal disposal.
 - (b) All structural enclosures accessory to the solar panels shall be completely removed from the property to a place of safe and legal disposal.
 - (c) The former solar site shall be restored to as natural condition as possible within six (6) months of the removal from the property.
- (2) Solar Energy Systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from the property line.
 - (3) The design of Solar Energy Systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
 - (4) The installation of Solar Energy Systems is subject to all local utility company requirements for interconnection.
 - (5) This Section's height provisions shall supersede all height provisions of other sections with respect to Solar Energy Systems."

SECTION 2: SEVERABILITY. If a court of competent jurisdiction declares any provisions of this Amendment to be invalid in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all other provisions of this Zoning Amendment shall continue to be separately and fully effective.

SECTION 3: REPEALER. All provisions of Township ordinances and resolutions or parts thereof that were adopted prior to this Zoning Amendment are hereby repealed, including but not limited to, any conflicting provisions of the Hanover Township Zoning Ordinance of 1978, as amended.

SECTION 4: ENACTMENT. This Amendment shall be effective five (5) days after the date of passage.

James L. Broughal, Solicitor
Hanover Township
Northampton County
38 West Market Street
Bethlehem, PA 18018