

LOWER PROVIDENCE TOWNSHIP
Montgomery County, Pennsylvania

ORDINANCE #637
(Duly Adopted April 7th, 2016)

**AN ORDINANCE OF LOWER PROVIDENCE TOWNSHIP,
MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CHAPTER
143, ZONING, OF THE CODE OF LOWER PROVIDENCE TOWNSHIP
TO PROVIDE FOR REGULATION OF ACCESSORY SOLAR ENERGY
SYSTEMS IN RESIDENTIAL AND NONRESIDENTIAL ZONING
DISTRICTS.**

NOW, THEREFORE, it is hereby **ENACTED and ORDAINED** by the Board of Supervisors of Lower Providence Township as follows:

ARTICLE I DEFINITIONS

Section 143-6, Definitions, of the Code of the Township of Lower Providence is hereby amended by adding the following new definitions that shall read as follows:

BUILDING INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEM

A BIPV system forms part of the structure to which it is affixed. Typically integrated into a roofing system (e.g. solar shingles), BIPV systems can provide architectural interest and/or an unobtrusive solar energy system installation.

GROUND- MOUNTED SOLAR ENERGY SYSTEMS

A Solar Energy System that is not attached directly to a building, but is supported by a structure that is built low to the ground.

SOLAR ENERGY

Radiant energy (direct, diffuse and reflected) received from the sun.

SOLAR ENERGY SYSTEM

An energy system which converts solar energy to usable energy to meet all or any part of a structure's energy requirements.

SOLAR HOT WATER SYSTEM

Uses solar energy to heat water. The most common types of solar water heaters are evacuated tube collectors and glazed flat plate collectors generally used for domestic hot water; and unglazed plastic collectors used mainly to heat swimming pools.

SOLAR PANELS

A device, material, or structure which is designed and used to convert solar energy into usable electrical energy by the way of a Solar Energy System.

ARTICLE II ACCESSORY USES

Section 143-19 (Accessory uses and accessory buildings/structures; bus shelters) of the Code of the Township of Lower Providence is hereby amended by adding a new subsection "F" that shall read as follows:

- F. Solar Energy Systems. Solar energy systems, accessory to the principal use on the same lot and meeting the definition of an accessory use as set forth in §143-6 hereof, shall be authorized in all zoning districts, subject to any applicable regulation set forth elsewhere in this Chapter and in accordance with the following:
- (1) Solar energy systems accessory to residential uses shall conform to the setbacks provided §143-27 below.
 - (2) Solar energy systems accessory to nonresidential uses shall meet all of the zoning district setback requirements and other regulations applicable to the principal nonresidential building or to the setbacks provided §143-27 below, whichever is more restrictive.

ARTICLE III RESIDENTIAL USES

Section 143-27 (Permitted Uses) of the Code of the Township of Lower Providence is hereby amended by adding a new subsection "(11)" to it that shall read as follows:

- (11) Solar Energy Systems. The following provisions shall be applicable to solar energy systems in all residential zoning districts:
 - (a) Ground-Mounted Solar Energy Systems (GMSES).
 - [1] No GMSES shall be permitted in a front yard.
 - [2] All GMSESs shall meet the following setbacks from the property lines:
 - [a] The side yard setback shall meet the principal use side yard setback requirement for the zoning district the GMSES is located within.

- [b] The rear yard setback shall be equal to the sum of the horizon length of the GMSES measured between the two the furthest points along the system's longest side which are equidistant from the existing grade and the vertical distance of the GMSES measured from the average elevation of the existing grade around the system to the highest point of the GMSES, or the principal use rear yard setback requirement for the zoning district the GMSES is located within, whichever is greater.
 - [3] No GMSES shall exceed twenty (20) feet in height as measured from the average elevation of the existing grade around the system to the highest point of the GMSES.
 - [4] No more than twenty percent (20%) of a lot may be covered with a GMSES.
 - [5] GMSESs shall be located and/or arranged so that any reflection and/or glare is directed away or buffered from neighboring properties, sidewalks, and roadways.
- (b) Roof-Mounted Solar Energy Systems (RMSES), including, but not limited to solar hot water systems.
- [1] RMSESS may include integrated solar panels as the surface layer of the roof structure of a structure on the parcel with no additional apparent change in relief or projection (i.e. BIPV systems), or other types of solar panels, including, but not limited to, separate flush-mounted panels attached to the roof surface.
 - [2] Peaked Roof - RMSESs and related equipment/materials installed on the highest roof on the structure shall not project vertically above the peak of the peaked roof to which they are attached.
 - [3] Flat Roof - RMSESs and related equipment/materials installed on the highest roof on the structure shall not project vertically more than five (5) feet above the flat roof to which they are attached.
 - [4] Lower Roof - RMSESs and related equipment/materials installed on a roof or area of the roof that is lower than the highest roof on the structure shall not project vertically above this highest roof.
 - [5] RMSESs shall be located and/or arranged so that any reflection and/or glare is directed away or buffered from neighboring properties, sidewalks, and roadways.

(c) Design and Installation.

- [1] To the extent applicable, a 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 Pennsylvania Department of Labor and Industry (34 Pa. Code §401 *et seq.*), as amended.
- [2] The applicant shall certify that the solar energy system, including its design, meets all applicable industry standards and all applicable electric utility regulations needed for interconnection.
- [3] RMSESS and related equipment/materials shall be set back a minimum of three (3) feet from the edge of any roof they are installed on.

(d) Discontinued Use of for Solar Energy Systems.

- [1] Any solar energy system which has not been active and/or in service for a period of one (1) year or more shall be completely removed by the property owner from the property and properly disposed of, including any and all related equipment/materials.
- [2] The former site of the solar energy system shall be restored by the property owner to its prior natural condition within six (6) months of the date of removal of the system from the property.

ARTICLE V REPEALER

All other Township ordinances or parts of ordinances which are inconsistent herewith are hereby repealed but only to the extent of such conflict.

ARTICLE VI SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

LOWER PROVIDENCE TOWNSHIP
Montgomery County, Pennsylvania

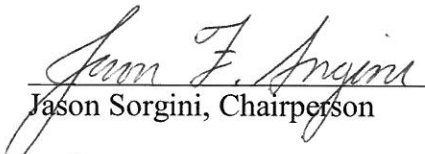
ORDINANCE #637
SOLAR ZONING AMENDMENT
(Duly Adopted April 7th, 2016)


ARTICLE VII EFFECTIVE DATE

This Ordinance shall become effective five (5) days after final enactment.

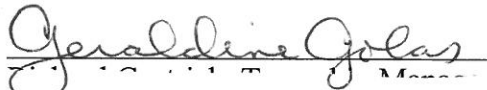
ENACTED and ORDAINED this 7th day of April, A.D., 2016.

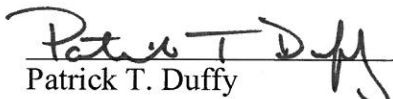
LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS:



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Colleen Eckman, Vice Chair

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JOHN FREDERIC GRIM, OF COUNSEL

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(215) 348-2199
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May 9, 2016

Montgomery County Law Library
Montgomery County Courthouse
P.O. Box 311
Norristown, PA 19404-0311

**RE: Lower Providence Township
Solar Ordinance No. 637**

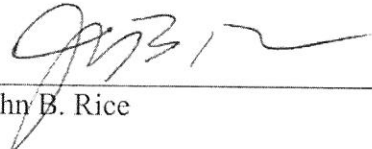
Dear Sir or Madam:

Enclosed please find a true and correct attested copy of Lower Providence Township Ordinance No. 637 which was adopted by the Lower Providence Township Board of Supervisors at their public meeting on Thursday, May 5, 2016. Please note that your \$25.00 filing fee regarding this Zoning Ordinance Amendment was previously forwarded to you. Thank you and if there are any questions regarding the enclosed, please do not hesitate to contact me.

Sincerely,

GRIM, BIEHN & THATCHER

By


John B. Rice

JBR/hlp

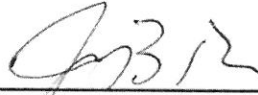
Enclosure

cc: Geri Golas (via e-mail)
Michael Mrozinski (via e-mail)
Denise Walsh (via e-mail)

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Lower Providence Township Ordinance No. 637 which was adopted by the Lower Providence Township Board of Supervisors on Thursday, May 5, 2016.

By:

A handwritten signature in dark ink, appearing to read "JBR", is written over a horizontal line.

John B. Rice, Esquire
Lower Providence Township Solicitor

AFFIDAVIT OF PUBLICATION
307 Derstine Avenue • Lansdale, PA 19446

LOWER PROVIDENCE TOWNSHIP
100 PARKLANE DR
EAGLEVILLE, PA 19403
Attention:

STATE OF PENNSYLVANIA,
COUNTY OF MONTGOMERY

The undersigned *Anna Olney*, being duly sworn the he/she is the principal clerk of The Times Herald, Times Herald Digital, published in the English language for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

LOWER PROVIDENCE TOWNSHIP

Published in the following edition(s):

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The Times Herald	03/30/16
Times Herald Digital	03/22/16
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COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
MAUREEN SCHMID, Notary Public
Upper Dublin Twp., Montgomery County
My Commission Expires March 31, 2017

Sworn to the subscribed before me this *3/30/2016*.

Maureen Schmid
Notary Public, State of Pennsylvania
Acting in County of Montgomery

LEGAL NOTICE

LOWER PROVIDENCE TOWNSHIP - HEARING ZONING AMENDMENT - SOLAR SYSTEMS

AN ORDINANCE OF LOWER PROVIDENCE TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 143, ZONING, OF THE CODE OF LOWER PROVIDENCE TOWNSHIP TO PROVIDE FOR REGULATION OF ACCESSORY SOLAR ENERGY SYSTEMS IN RESIDENTIAL AND NONRESIDENTIAL ZONING DISTRICTS.

Notice is hereby given that the Lower Providence Township Board of Supervisors will consider for possible adoption an Ordinance amending Chapter 143, Zoning, of the Lower Providence Township Code. The proposed Amendment, of which this Notice is a summary, proposes to enact new definitions, dimensional regulations, use regulations, design specifications, and removal requirements concerning accessory solar systems on residential and non-residential properties. The Board of Supervisors will consider the foregoing Ordinance Amendment at a hearing to be held during its regular public meeting on April 7, 2016, at 7:30 p.m., at the Lower Providence Township Municipal Building, 100 Parklane Drive, Eagleville, PA 19403. Copies of the full text of this Ordinance are available to any interested party for inspection and/or copying at a nominal cost at the Township Building or for inspection at the offices of this newspaper and the Montgomery County Law Library during normal business hours. All interested parties are invited to attend and participate in this hearing.

LOWER PROVIDENCE TOWNSHIP BOARD OF SUPERVISORS
H. Peter Nelson, Esquire
GRIM, BIEHN & THATCHER, Solicitors
104 So. Sixth Street
P.O. Box 215
Perkasie, PA 18944
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