

CITY COUNCIL OF ERIE

INTRODUCED BY: MRS. HORAN-KUNCO

COUNCIL FILE NO. 15,700 OFFICIAL ORDINANCE NO. 4-2010

AN ORDINANCE

Amending Official Ordinance No. 80-2005 known as the Zoning Ordinance of the City of Erie, Pennsylvania by adding to Article 6 (Definitions) the definitions of "Solar Collection System" and "Urban Solar Farm"; by adding to Article 3 (General Regulations), Section 305 (Conditional Uses, Special Exceptions and Special Regulation Criteria) a new Section 305.54 (Solar Collection Systems); and by adding to Article 3 (General Regulations), Section 305 (Conditional Uses, Special Exceptions and Special Regulation Criteria) a new Section 305.55 (Urban Solar Farms).

WHEREAS, Erie City Council directed the City Solicitor to prepare an Ordinance amending Official Ordinance No. 80-2005 known as the Zoning Ordinance of the City of Erie, by providing definitions of "Solar Collection System" and "Urban Solar Farm"; by adding to Article 3 (General Regulations), Section 305 (Conditional Uses, Special Exceptions and Special Regulation Criteria) a new Section 305.54 (Solar Collection Systems); and by adding to Article 3 (General Regulations), Section 305 (Conditional Uses, Special Exceptions and Special Regulation Criteria) a new Section 305.55 (Urban Solar Farms) all as approved by the City Planning Commission.

WHEREAS, the Council of the City of Erie under the provisions of the Pennsylvania Municipalities Planning Code (53 P.S. 10303) finds the said amendments to be in accordance with the spirit and intent of the formally adopted Comprehensive Plan for the development of the City of Erie, said Plan being known as the Erie City Plan of the Future.

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF ERIE, PENNSYLVANIA:

**Section 1.** That Official Ordinance No. 80-2005, known as the Zoning Ordinance of the City of Erie the Zoning Ordinance of the City of Erie, Article 6 (Definitions) is hereby amended by adding the following definitions:

**SOLAR COLLECTION SYSTEM:** A panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

**URBAN SOLAR FARM:** Energy generation facility or area of land principally used to convert solar energy to electricity.

**Section 2.** That Official Ordinance No. 80-2005, known as the Zoning Ordinance of the City of Erie, Article 3 (General Regulations), Section 305 (Conditional Uses, Special Exceptions and Special Regulation Criteria) is amended by adding new Section 305.54 (Solar Collection Systems) to read as follows:

**305.54 SOLAR COLLECTION SYSTEMS:** Solar Collection Systems shall be considered an accessory use in all Zoning Districts in accordance with the following requirements:

- a. Freestanding solar panels shall only be permitted in the rear and side yard.
- b. Freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed twenty (20) feet in height above the ground.
- c. Freestanding solar panels shall be set back as required for accessory uses in the districts in which they are located.
- d. The total coverage of a lot with freestanding solar panels cannot exceed the greater of 50% lot coverage or the maximum allowable coverage for the district in which they are located.
- e. Roof-mounted solar panels installed on a building or structure with a sloped roof shall not project vertically more than the height requirements for the district in which they are located. The panels shall not be located within three (3) feet of any peak, eave, or valley of the roof to maintain pathways of accessibility.
- f. Systems located on the roof shall provide, as part of their permit application, evidence of design review and structural certification if the slope of the panel differs from the roof pitch. All panels on commercial roofs shall provide this information regardless of slopes, as well as any residential roof with greater than 50% coverage.
- g. The manufacturers' or installers' identification and appropriate warning signage shall be posted on or near the panels in a clearly visible manner.
- h. No solar energy system shall be installed until evidence has been given to the City of Erie Code Enforcement Office that the electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- i. Any panels installed to be used by someone other than the owner of the property shall provide an affidavit or evidence of agreement between the lot owner and facility's owner or operator confirming the facility owner or operator has permission of the property owner to install and utilize solar panels.
- j. In addition to the requirements listed above, all panels must adhere to the "Solar Photovoltaic Installation Guideline" available in the Bureau of Code Enforcement.

**Section 3.** That Official Ordinance No. 80-2005, known as the Zoning Ordinance of the City of Erie, Article 3 (General Regulations), Section 305 (Conditional Uses, Special Exceptions and Special Regulation Criteria) is amended by adding new Section 305.55 (Urban Solar Farms) to read as follows:

**305.55 URBAN SOLAR FARMS:** Urban Solar Farms shall be permitted in M-1, M-2, and I-P Districts, and in W-M as a conditional use, in accordance with the following regulations:

- a. Solar farms shall be enclosed by perimeter fencing to restrict unauthorized access at a height of eight and a half (8.5) feet.
- b. The manufacturers' or installers' identification and appropriate warning signage shall be posted at the site in a clearly visible manner.
- c. On-site power lines shall, to the maximum extent practicable, be placed underground.
- d. Solar farms shall adhere to the setback, height, and coverage requirements of the district in which they are located.
- e. The following requirements shall be met for permit applications:
  - 1) A descriptive plot plan including setbacks, panel sizes, locations of property lines, buildings, and road right of ways.

- 2) No urban solar farm shall be installed until evidence has been given to the City of Erie that the electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- 3) An affidavit or evidence of agreement between lot owner and the facility's owner or operator confirming that the owner or operator has permission of the property owner to apply for necessary permits for construction and operation of the urban solar farm.
- 4) Any other relevant studies, reports, certificates and approvals as may be reasonably requested by the City of Erie, including but not limited to design review.

f. The following requirements shall be met for decommissioning:

- 1) Solar farms which have not been in active and continuous service for a period of one (1) year shall be removed at the owners or operators expense.
- 2) The site shall be restored to as natural condition as possible within six (6) months of the removal.

**Section 4.** That all Ordinances and parts thereof in conflict herewith are hereby repealed.

**Section 5.** That this Ordinance shall be effective twenty (20) days after final passage and approval by the Mayor.

We do hereby certify that the above ordinance was finally passed by the City Council on Feb. 3, 2010.

Attest: February 3, 2010

James Klemm

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City Clerk

SIGNED February 3, 2010

James N. Thompson

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President of Council

THIS ORDINANCE APPROVED THIS 4th DAY OF February, 2010.

s/ Joseph Sinnott

Mayor

