

ZONING REVIEW – Lansdowne Borough, PA



PZD-1: Review zoning requirements and remove restrictions that intentionally or unintentionally prohibit PV development. Compile findings in a memo, and commit to reducing barriers to PV during next zoning review.

This SolSmart prerequisite requires communities to (a) conduct a review of zoning requirements, (b) identify restrictions that prohibit PV development, and (c) commit to addressing these barriers during the next community zoning review. To assist your community, the national solar experts at SolSmart have conducted an initial review of your community's code to assess possible obstacles (i.e. height restrictions, set-back requirements, etc.) and gaps. Below, please find the outcome of their review. By reading the narrative, reviewing the example code language provided, and signing the statement at the bottom of the page, your community will satisfy PZD-1 and be one step closer to achieving SolSmart designation.

As there are no references to solar in the current code, the development of a solar ordinance may be advisable. Below are some considerations for the creation of such an ordinance. Solar may still be worth adding to the use tables for each district in the existing sections of the code, even solar's status as by-right is established in the solar ordinance.

Gaps in current code language

Element	Best Practice	Reviewer Comments	Example(s) from other codes
Intent/purpose	<ul style="list-style-type: none"> Many municipalities have inserted language explicitly encouraging solar in the section that lays out the intent and purpose of the solar ordinance. 	<ul style="list-style-type: none"> No language referring to solar in the ordinance's Purpose 	See P.7-8 of <u>DVRPC Renewable Energy Ordinance Framework</u>
Definitions	<ul style="list-style-type: none"> Include in the definition of a solar energy system: solar collectors or solar energy devices used for space heating, space cooling, electric generation, and water heating 	<ul style="list-style-type: none"> No definitions for solar or renewable energy systems 	Massachusetts <u>model solar ordinance</u>

	<ul style="list-style-type: none"> Define and distinguish between large-scale or primary use installations and secondary or accessory use installations 		
Use-by-right	<ul style="list-style-type: none"> Allow small rooftop and ground mount solar installations in all major zoning districts as a use-by-right (allowed without special review) Many communities identify and allow for solar installations as accessory uses in every district 	<ul style="list-style-type: none"> Solar not called out as a specific use, while other accessory uses are. It would be more clear, transparent, and supportive to include solar PV on this list. 	Use Tables P. 3 Massachusetts <u>model</u> solar ordinance
Encouraging solar-friendly design	<ul style="list-style-type: none"> Many municipalities encourage subdivisions to be laid out in an orientation that would maximize either active solar or passive solar benefits. Some possible ways to encourage solar include waiving permit fees, providing density bonuses, reducing minimum parking requirements, and mandating solar ready construction. 	<ul style="list-style-type: none"> I did not see any incentives or solar friendly design recommendations 	See P. 12-13 of APA Essential Info Packet-30 ("Solar Orientation and Siting" and "Solar-Ready Homes") See P. 2 of APA Solar Briefing Papers ("Creating Incentives")
Height	<ul style="list-style-type: none"> Provide rooftop solar an exemption from or allowance above building height restrictions Identify a maximum allowed ground mount solar height of 10'-15' 	<ul style="list-style-type: none"> Section 330-26D Accessory uses and structures. <ul style="list-style-type: none"> "No accessory structure shall be more than 12 feet in height" Good, falls within best practice height range Some mechanical equipment is given a 15' allowance above maximum height. This is good if solar is included as mechanical equipment. 	P. 7 Massachusetts <u>model</u> solar ordinance
Lot coverage	Exempt ground mount solar from lot coverage restrictions that apply to primary buildings	<ul style="list-style-type: none"> Does Lansdowne Borough treat ground mount panels as impervious surface in lot coverage calculations? 	P. 9 <u>Model Zoning for the Regulation of Solar Energy Systems</u>
Accessory use maximum	<ul style="list-style-type: none"> Exempt solar from the maximum allowable number of accessory uses 	<ul style="list-style-type: none"> I do not see a maximum number of accessory uses. 	
Setbacks	<ul style="list-style-type: none"> Require a setback applicable to fences to ground mount solar, rather than a setback required of buildings, or allow solar an exemption from setback requirements 	<ul style="list-style-type: none"> Section 330-26D Accessory uses and structures. <ul style="list-style-type: none"> Restricts to 3' setback from side lot lines. 10 	P. 7, 8 <u>Model Zoning for the Regulation of Solar Energy Systems</u>
Aesthetic requirements	<ul style="list-style-type: none"> Exempt solar from rooftop equipment screening requirements Allow PV installations to be seen from public roadways Limit screening or aesthetic requirements to historic districts 	<ul style="list-style-type: none"> Section 330-30 Screening <ul style="list-style-type: none"> "A landscaped planting area, consisting of shrubs, bushes, hedges and/or evergreen trees, shall be provided around the perimeter of off-street parking lots, ground-level air 	P. 19 <u>DVRPC Renewable Energy Ordinance Framework Historic districts</u>

		<ul style="list-style-type: none"> conditioning or air-cleaning equipment and around authorized outdoor storage areas.” This could cause shade on ground mount systems if they are treated as ground level HVAC systems. 	
Rooftop fire safety access and setbacks	<ul style="list-style-type: none"> Limit setback requirements from roof ridges to 3' and 1.5' from valleys and headwalls to allow access Do not restrict rooftop solar based on a percentage of rooftop coverage (These restrictions may be amendments to the International Fire Code or part of the development regulations instead of the zoning code) 	<ul style="list-style-type: none"> Almost certainly covered in the 2015 IFC adopted by Pennsylvania 	<p>San Francisco <u>Solar PV System Safety and Fire Ground Procedures</u> <u>LA PV Fire Safety</u></p>
Glare	<ul style="list-style-type: none"> Do not regulate glare from photovoltaic installations as PV modules use non-reflective glass and are designed to absorb rather than reflect sunlight. PV modules are generally less reflective than windows. Municipalities can defer to the Federal Aviation Administration to regulate potential glare from solar installations on or near airports 	<ul style="list-style-type: none"> Section 330-4 Definition of Terms <ul style="list-style-type: none"> GLARE - The effect produced by light from a luminaire with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility. Does not apply to solar panels 	<p>FAA guidance <u>PV at airports</u></p>
Ground mount solar	<ul style="list-style-type: none"> Allow for small ground mount installations as accessory uses and large, primary use installations through a conditional or special use permit 		<p>P. 38 APA's <u>Integrating Solar Energy into Local Development Regulations</u></p>
Preexisting non-conforming uses	<ul style="list-style-type: none"> Code should exempt rooftop solar or small ground-mounted solar from any special permits that may be required for alterations to a lot or structure that contains a preexisting non-conforming use. 	<ul style="list-style-type: none"> This seems to depend on how the Borough classifies solar PV additions. If installing solar PV systems is classified as an enlargement or repair/maintenance. If the former, a special exception is required. If the latter, just the standard permits are required. 	<p>P. 20-21 Massachusetts model solar ordinance</p>
Historic district guidance	<ul style="list-style-type: none"> Municipal code should clearly explain the review process for historic districts. Historic commissions and review boards are encouraged to write design guidelines that support the development of solar energy systems and are sensitive to the historic preservation goals of the Commission. 	<ul style="list-style-type: none"> No guidance in Historic District documents. 	<p>NREL's <u>Implementing Solar PV Projects on Historic Buildings and in Historic Districts</u> NC Clean Energy Technology Center: <u>Installing Solar Panels on Historic Buildings</u></p>

Solar access/solar rights	<ul style="list-style-type: none"> Establish a mechanism to protect solar access and rights (e.g. solar easement for installations) Include active and passive solar provisions (such as orientation) in development and subdivision regulations 		Wisconsin State Statute §66.0401. Perry, IA Subdivision Regulations
Regulate based on the area or impact	<ul style="list-style-type: none"> Define and regulate solar installations based on the area (e.g. square feet) or impact of the installation rather than the capacity (kW) as efficiencies and technologies change over time Do not regulate based on the use of the energy generated (e.g. requiring that accessory use solar electricity generation be consumed exclusively on-site), as this is often irrelevant to the impact 	<ul style="list-style-type: none"> In general, this can be done with height and setback regulations. It is also handled by the states in some situations. <ul style="list-style-type: none"> The Pennsylvania Utility Commission (PUC) limits system sizes eligible for net metering based on use: <ul style="list-style-type: none"> 50 kW capacity limit for residential 1 MW capacity limit for non-residential 3 MW capacity for microgrid and emergency systems 	See p. 19 of Planning and Zoning for Solar in North Carolina Example: Fort Collins, CO

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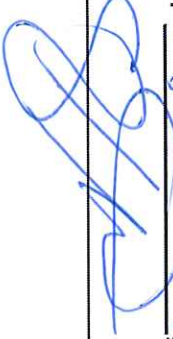
Borough Manager
[Title]

Lansdowne
[Community]

PA
[State]

have read the review above and commit to discussing these gaps at the next community zoning review, scheduled for August 14, 2019, with the goal of addressing them in the code.

Signature _____



Date 7/25/19