

# ZONING REVIEW -



## [Borough of Pottstown, 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"> <li>Many municipalities have inserted language explicitly encouraging solar in the section that lays out the intent and purpose of the solar ordinance.</li> </ul>	<ul style="list-style-type: none"> <li>Pottstown has included a purpose section. It emphasizes minimizing visual impact and potential for nuisance.</li> </ul>	See P.7-8 of <a href="#">DVRPC Renewable Energy Ordinance Framework</a>
Definitions	<ul style="list-style-type: none"> <li>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</li> <li>Define and distinguish between large-scale or primary use installations and secondary or accessory use installations</li> </ul>	<ul style="list-style-type: none"> <li>Solar energy system is defined.</li> <li>Accessory use is addressed, but there is nothing about primary use/utility scale. My assumption is that Pottstown Borough doesn't really have the available land required for utility scale.</li> </ul>	Massachusetts <a href="#">model</a> solar ordinance

Use-by-right	<ul style="list-style-type: none"> <li>• Allow small rooftop and ground mount solar installations in all major zoning districts as a use-by-right (allowed without special review)</li> <li>• Many communities identify and allow for solar installations as accessory uses in every district</li> </ul>	<ul style="list-style-type: none"> <li>• Allowed with a zoning permit, not a special review or exception, so by right.</li> <li>• Requires a rendering</li> <li>• What is the intention behind not requiring a zoning permit for systems less than 8 square feet?</li> </ul>	Use Tables P. 3 Massachusetts <u>model solar ordinance</u>
Encouraging solar-friendly design	<ul style="list-style-type: none"> <li>• Many municipalities encourage subdivisions to be laid out in an orientation that would maximize either active solar or passive solar benefits.</li> <li>• Some possible ways to encourage solar include waiving permit fees, providing density bonuses, reducing minimum parking requirements, and mandating solar ready construction.</li> </ul>	<ul style="list-style-type: none"> <li>• There are currently no incentives or mandates encouraging or requiring solar-friendly design.</li> </ul>	See P. 12-13 of APA Essential Info Packet-30 ("Solar Orientation and Siting" and "Solar-Ready Homes") See P. 2 of APA <u>Solar Briefing Papers</u> ("Creating Incentives")
Height	<ul style="list-style-type: none"> <li>• Provide rooftop solar an exemption from or allowance above building height restrictions</li> <li>• Identify a maximum allowed ground mount solar height of 10'-15'</li> </ul>	<ul style="list-style-type: none"> <li>• Ordinance allows no more than 5' extra height on rooftops. Generally prefer to except rooftop solar from height restrictions.</li> <li>• Ground mounts allow 10'.</li> </ul>	P. 7 Massachusetts <u>model solar ordinance</u>
Lot coverage	Exempt ground mount solar from lot coverage restrictions that apply to primary buildings	<ul style="list-style-type: none"> <li>• Lot coverage not mentioned in the solar ordinance, so it is assumed ground mounted systems follow lot coverage restrictions for each zone.</li> </ul>	P. 9 <u>Model Zoning for the Regulation of Solar Energy Systems</u>
Accessory use maximum	<ul style="list-style-type: none"> <li>• Exempt solar from the maximum allowable number of accessory uses</li> </ul>	<ul style="list-style-type: none"> <li>• No accessory use maximum found.</li> </ul>	
Setbacks	<ul style="list-style-type: none"> <li>• 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</li> </ul>	<ul style="list-style-type: none"> <li>• Setbacks not mentioned for ground-mounted systems in the solar ordinance, so it is assumed they follow accessory use setbacks for each zone.</li> </ul>	P. 7, 8 <u>Model Zoning for the Regulation of Solar Energy Systems</u>
Aesthetic requirements	<ul style="list-style-type: none"> <li>• Exempt solar from rooftop equipment screening requirements</li> <li>• Allow PV installations to be seen from public roadways</li> <li>• Limit screening or aesthetic requirements to historic districts</li> </ul>	<ul style="list-style-type: none"> <li>• Requires screening of ground mounts and wall mounts. This could be restrictive. Could you require screening such that the panels remain effective?</li> <li>• For the most part, the ordinance is good about allowing panels in restricted locations if they would be ineffective in the desired spots.</li> <li>• There are some restrictions on paint color</li> </ul>	P.19 <u>DVRPC Renewable Energy Ordinance Framework Historic districts</u>
Rooftop fire safety access and setbacks	<ul style="list-style-type: none"> <li>• Limit setback requirements from roof ridges to 3' and 1.5' from valleys and headwalls to allow access</li> <li>• Do not restrict rooftop solar based on a percentage of rooftop coverage (These</li> </ul>	<ul style="list-style-type: none"> <li>• No restrictions on rooftop setbacks. How is this currently handled?</li> </ul>	San Francisco <u>Solar PV System Safety and Fire Ground Procedures</u> <u>LA PV Fire Safety</u>

	restrictions may be amendments to the International Fire Code or part of the development regulations instead of the zoning code)		
Glare	<ul style="list-style-type: none"> <li>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.</li> <li>Municipalities can defer to the Federal Aviation Administration to regulate potential glare from solar installations on or near airports</li> </ul>	<ul style="list-style-type: none"> <li>The ordinance regulates against glare toward other inhabited structures and adjacent streets and rights of way.</li> <li>If glare as a concern can use the following language, "Installed solar modules shall be constructed with at least one anti-reflective layer to reduce reflectivity." <ul style="list-style-type: none"> <li>All panels have this coating, so it's not restrictive but does address glare concerns.</li> </ul> </li> </ul>	<a href="#">FAA guidance PV at airports</a>
Ground mount solar	<ul style="list-style-type: none"> <li>Allow for small ground mount installations as accessory uses and large, primary use installations through a conditional or special use permit</li> </ul>	<ul style="list-style-type: none"> <li>Ground-mounted systems allowed as accessory uses. No mention of primary uses, but Pottstown is mostly built-out, so this may not be an area of concern.</li> </ul>	P. 38 <a href="#">APA's Integrating Solar Energy into Local Development Regulations</a>
Preexisting non-conforming uses	<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Solar may not be exempt from special permits for non-conforming uses. Repairs and alterations to existing uses can be made but only if they don't increase the area or volume of the non-conforming use. Would this apply to a rooftop system?</li> </ul>	P. 20-21 <a href="#">Massachusetts model solar ordinance</a>
Historic district guidance	<ul style="list-style-type: none"> <li>Municipal code should clearly explain the review process for historic districts.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Much of Pottstown appears to be in areas under HARB review. Design guidelines in the ordinance are pretty clear.</li> <li>HARB guidelines documents do not mention solar.</li> </ul>	NREL's <a href="#">Implementing Solar PV Projects on Historic Buildings and in Historic Districts</a> NC Clean Energy Technology Center: <a href="#">Installing Solar Panels on Historic Buildings</a>
Solar access/solar rights	<ul style="list-style-type: none"> <li>Establish a mechanism to protect solar access and rights (e.g. solar easement for installations)</li> <li>Include active and passive solar provisions (such as orientation) in development and subdivision regulations</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	<a href="#">Wisconsin State Statute §66.0401. Perry, IA Subdivision Regulations</a>
Regulate based on the area or impact	<ul style="list-style-type: none"> <li>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</li> <li>Do not regulate based on the use of the energy generated (e.g. requiring that accessory use solar electricity generation</li> </ul>	<ul style="list-style-type: none"> <li>This is generally for more large-scale ground mounted solar systems that are still accessory use.</li> </ul>	See p. 19 of <a href="#">Planning and Zoning for Solar in North Carolina</a> Example: <a href="#">Fort Collins, CO</a>

	be consumed exclusively on-site), as this is often irrelevant to the impact		
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I, Justin Keller , as Asst. Base Manager of Pottstown , PA  
[Name] [Title] [Community] [State]

have read the review above and commit to discussing these gaps at the next community zoning review, scheduled for 2017-2018 , with the goal of addressing them in the code.

Signature 

Date 3/21/17