App. No. 019-2022-TA

Zoning Text Amendments

Guilford Township

Meeting: April 6, 2022
Applicant: Guilford Township
Hearing: TBD
Amendments: Revisions
Section 3: Definition, General
Section 4: General Regulations
Reviewer: Denise Testa
Recommendation: **APPROVE WITH MODIFICATIONS**

Proposal: Shannon Colonna, Zoning Secretary, requested a review of proposed zoning amendments to solar definitions and the addition of text related to solar panels.

Township revisions are shown in red. Department of Planning Services (DPS) staff comments are shown black as ***bold and italics***.

1. **Add the following definitions to Section 3: Definition, General**

ENERGY GENERATING DEVICES (WIND AND SOLAR)

"FREESTANDING SOLAR PANELS " means any solar panel or solar collection system not attached to and separate from any existing structures on the site.

"SOLAR PANELS" means a device or combination of devices, structures or parts thereof, that collect, transfer, or transform direct solar, radiant energy into thermal, chemical or electrical energy and that contribute to a structure's energy supply.

"UTILITY-SCALE SOLAR" is any facility that generates solar power for the purpose of feeding it into the grid to be distributed to consumers.

2. **Move the following definitions in Section 3: Definition, General to be nested under the definition of "ENERGY GENERATING DEVICES (WIND AND SOLAR)."**

WECS: Wind Energy Conversion System *(Effective 9-15-11)*

WIND ENERGY CONVERSION SYSTEM: An apparatus for converting kinetic energy available in the wind to mechanical energy that can be used to power machinery and/or to operate an electrical generator. (Effective 9-15-11)

WIND TURBINE, FREESTANDING: A single mono-pole, ground mounted, self-supporting tower wind energy conversion system designed to convert kinetic wind energy into rotational energy that drives an electrical generator, and includes all types of wind energy systems, turbines, cubes, spirals, etc. *(Effective 9-15-11)*

3. Add/update the following definitions in Section 3: Definition, General

SOLAR - See ENERGY GENERATING DEVICES (WIND AND SOLAR)

WIND ENERGY CONVERSION SYSTEM / WECS - See ENERGY GENERATING DEVICES (WIND AND SOLAR)

WIND TURBINE, FREESTANDING - See ENERGY GENERATING DEVICES (WIND AND SOLAR)

4. Update the following definition in Section 3: Definition, General

STRUCTURE: Anything constructed or erected which requires location on the ground including billboards, swimming pools, lakes and ponds, wind or solar energy generating devices, but not including fences or walls used as fences.

5. Add the following regulations to Section 4: General Regulations

4.27 SOLAR PANELS

Solar panels are a permitted accessory structure, subject to the following regulations.

1. All solar panel installations shall comply with all applicable building, electrical and plumbing codes.
2. A zoning permit shall be required for all solar panel installations. All applicants for solar panels shall submit a site drawing showing the dimensions and height of the proposed structure, the location of the units in relation to existing structures on the property and adjacent property
   A period (.) is recommended at the end of this section.
3. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.
4. Solar panels may be freestanding, roof mounted, or wall mounted.
    1. **Freestanding solar panels** shall be located in accordance with the side and rear yard setbacks established for all accessory structures of the district and shall not exceed 12 feet in height.
    2. **Roof mounted solar panels** shall be integrated as a surface layer on any part of the roof structure. The solar panels shall not project above the peak of the roof. For a flat roof, the solar panels shall not be higher than the parapet wall or screened by building features.
    3. **Wall Mounted solar panel**s shall be flush mounted on the wall and only on the side or rear of the building, not facing the frontage street.

5. Any Solar Panel that is in a state of disrepair for a continuous period of twelve (12) months shall be considered abandoned and shall be removed by the Owner of the structure within ninety (90) days.

It is recommended changing solar panel and owner to lower-case letters.

6. Utility-scale solar installations shall not be permitted.

Regulation 4.27(6) appears to be in conflict with the procedures outlined in Senate Bill 52, Wind and Solar Electric Generation Siting Authority.

The staff recommends the Township consider are consistent with the Comprehensive Plan in order to demonstrate the legal basis for the zoning and land use regulations.

The Township's proposal of addressing solar and wind energy regulations is appropriate as noted by the American Planning Association: "A conspicuous silence in the part of local policies, plans and regulations on the topic of solar energy use constitutes a significant barrier to the adoption and implementation of the technologies."

Recommendation: Planning Services staff recommends the Planning Commission **APPROVE WITH MODIFICATIONS** the proposed amendments to the Guilford Township Zoning Resolution.