

**STEWARTSTOWN BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2010-02

**AN ORDINANCE AMENDING THE STEWARTSTOWN BOROUGH ZONING
ORDINANCE, AS AMENDED.**

IT IS HEREBY ENACTED AND ORDAINED by the Council of the Borough of Stewartstown, York County, Pennsylvania, as follows:

SECTION 1. Section 302, Definition of Terms, of the Stewartstown Borough Zoning Ordinance is hereby revised by adding the following to the list of specific words, terms and phrases with proper location in alphabetical order:

ACTIVE SOLAR ENERGY SYSTEM – a solar energy system that requires external mechanical power to move collected heat.

ENERGY STORAGE FACILITY – equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases, or solids), controls, and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

PASSIVE SOLAR ENERGY SYSTEM – a solar energy system that uses natural and architectural components to collect and store energy without using any external mechanical power.

SOLAR COLLECTOR – a freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy that contributes significantly to a structure's energy supply.

SOLAR ENERGY – radiant energy (direct, diffused and reflected) received from the sun.

SOLAR ENERGY SYSTEM – a complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

SKYSPACE – the open space between a solar or wind collector and the sun or prevailing wind that must be free of obstructions that may shade or

impede the collector to an extent that would reduce its cost-effective operation.

WIND ENERGY CONVERSION SYSTEM – a device that converts wind energy to mechanical or electrical energy; commonly referred to as windmills.

WIND ROTOR – the blades, and hub to which the blades are attached, that are used to capture wind for the purpose of energy conversion. The wind rotor is used on a pole or tower along with other generating and electrical storage equipment and forms a wind energy conversion system.

SECTION 2. Section 600, General Provisions, of the Stewartstown Borough Zoning Ordinance shall be revised to add the following subsection:

“s. 620 Alternate Energy Requirements

a) Intent

The alternative energy requirements are designed to recognize the need for conservation of energy and natural resources to facilitate the utilization of renewable resources. These regulations are designed to allow the installation of renewable energy devices and provide the opportunity for individuals to reduce energy dependence by encouraging the productive use of solar and wind energy components.

b) Solar, Wind and Alternate Energy Standards

The use of solar, wind and alternate energy systems is encouraged within these regulations and permitted within any zoning district. Although the installation of such systems is not mandatory, where they are utilized the following shall apply:

- 1) Active and Passive Solar Systems, wind energy systems and similar alternate energy systems, including customary energy storage accessories, shall be permitted for the production, collection, movement, distribution or storage of heated water, air or other medium that is intended for conveyance to a principal or accessory building. Systems may include the following subject to the requirements contained herein:

- i) Solar panels with a combined glazing area of sixty-five (65) square feet or less may be placed in any required yard but shall not be closer than two (2) feet from any property line.

- ii) Solar panels with a combined glazing area in excess of sixty-five (65) square feet, provided that:
 - (a) Solar panels attached to a principal structure shall comply with the zoning setbacks prescribed for a principal structure in the applicable zoning district;
 - (b) Solar panels that are freestanding or attached to an accessory structure shall comply with the accessory structure requirements of this Ordinance.
- iii) Solar greenhouses attached to principal structures shall meet all Setback requirements for a principal structure in the applicable zoning district. Solar greenhouses attached to accessory structures shall meet all yard requirements specified for accessory structures in this Ordinance.
- iv) Detached solar greenhouses shall meet all yard requirements specified for accessory structures in this Ordinance.
- v) Wind Energy Conversion Systems provided that:
 - (a) The structure supporting the Wind Rotor unit shall be located a minimum distance equal to the height of said structure from any adjoining structure. The height of such structures shall not exceed seventy-five (75) feet.
 - (b) Towers may be ground or roof-mounted and shall be securely fastened as per manufacturer's specifications or a demonstrable equivalent to achieve maximum safety and prevent collapse or fall. Any propeller or turning device that reacts to wind velocity shall have a governor to control the speed of revolutions. Such governor may include a rudder that turns the propeller away from the wind, individually spring-mounted paddles that turn away from the wind, or other suitable manufacturer's device. Towers shall be locked or secured to prevent unauthorized access, and in no case shall a permanently mounted ladder be affixed less than (10) feet from grade level.

d) Protection and Maintenance

The improvements required and permitted within this Section shall be protected and maintained to ensure the environmental

benefits of nonpolluting, replenishable alternate energy. The following requirements shall apply:

- 1) Protection
 - i) Where a solar or wind energy system has been installed to serve an existing structure, it shall be the responsibility of the property owner to secure any easements or restrictive covenants necessary to protect the Skyspace affecting the solar or wind energy system. Such an agreement shall be negotiated between owners of affected properties, but is not a requirement for approval of a building or zoning permit for the solar or wind energy system.
 - ii) Maximum height requirements of this Ordinance shall not apply to roof-mounted Solar Collector systems.
- 2) Maintenance
 - i) Energy systems shall be maintained in a safe manner. Broken glass or other potentially hazardous conditions shall be promptly repaired.
 - ii) A disconnected or abandoned energy system shall be dismantled and removed from the property within sixty (60) days of such abandonment.
- c) Plans and Permits
 - 1) Plans depicting Solar or wind energy installations shall be submitted at the same time of application for a Building and Proposed Use permit. Information may be included on the required plot plan specified in this Ordinance or submitted on a separate plan. In addition to the information required elsewhere within this Ordinance, plans shall include:
 - i) Exact size and location of proposed Solar or Wind Energy Conversion System.
 - ii) Any associated apparatus, structures, or architectural features necessary for the efficient operation of a solar or wind energy device.
 - 2) Building and Proposed Use permits – A Building and Proposed Use Permit shall be required for installation of, expansion or alteration to any of the energy systems described within this Section. Applicable procedures of this Ordinance shall apply during the processing of such permit applications. Where desired, the Zoning

Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. Repealer. All prior ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. Effective Date. This Ordinance shall become effective five (5) days after its enactment.

ENACTED AND ORDAINED this 7th day of JUNE, 2010.

Attest:

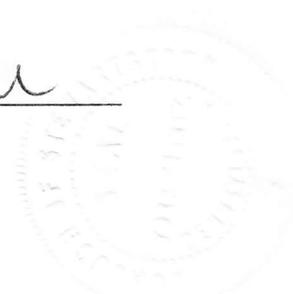
STEWARTSTOWN BOROUGH
COUNCIL

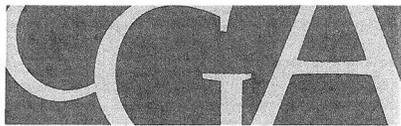
Mig. Mattheo
Secretary

By: Marsha K. England
President

Approved this 7th day of JUNE, 2010.

[Signature]
Mayor





L A W F I R M

Craig S. Sharnetzka, Attorney
csharnetzka@cgalaw.com
Ext. 109

May 4, 2010

York County Planning Commission
Attention: Felicia Dell
28 East Market St.
York, PA 17401-1580

Re: **Stewartstown Borough, Amendment to Zoning Ordinance
Proposed Ordinance No. 2010-02**

Dear Felicia:

Pursuant to the Municipalities Planning Code, I have enclosed a copy of a proposed Amendment to Section 600 of the Stewartstown Borough Zoning Ordinance regarding alternate energy requirements for the Commission's review.

Should you have any questions, please contact me. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'CSS' with a stylized flourish at the end.

Craig S. Sharnetzka

CSS/cmb

Enclosure

Cc: Stewartstown Borough

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