

**TOWNSHIP OF LOWER NAZARETH  
NORTHAMPTON COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 201-07-11**

**AN ORDINANCE**

**AMENDING THE LOWER NAZARETH TOWNSHIP ZONING ORDINANCE TO ESTABLISH REGULATIONS GOVERNING THE INSTALLATION AND REMOVAL OF SOLAR ENERGY SYSTEMS WITHIN THE TOWNSHIP, PROVIDING DEFINITIONS, CONDITIONS OF ELIGIBILITY, PLANNING AND DESIGN PRINCIPLES, PERMITTED USES, LOT AND SETBACK REGULATIONS, PROCEDURES, PLANS, AND SUPPORTING DOCUMENTS REQUIRED.**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Nazareth, Northampton County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, pursuant to the provisions of Act 247 of 1968 (P.L. 805), Article VI, Section 601, et seq., as amended (53 P.S. 10601, et seq.), as follows:

WHEREAS, in recent years, the technology of creating energy from solar panels has become economically feasible; and

WHEREAS, the solar energy industry has developed solar panel systems that can be located on principle structures, on accessory buildings, or as free-standing ground mounted structures; and

WHEREAS, Solar Energy Systems can be used on residential and non-residential sites; and

WHEREAS, there is a need to recognize and regulate Solar Energy Systems because their locations affect site improvements and neighborhood aesthetics; and

WHEREAS, the purpose of this Zoning Ordinance amendment is to promote the use of solar energy and to provide for the land development, installation and

construction of Solar Energy Systems in Lower Nazareth Township subject to reasonable conditions that will protect the public health, safety and welfare.

**SECTION 1.**

Article XIV, GENERAL REGULATIONS, is hereby amended to provide as follows:

Section 1420. SOLAR ENERGY SYSTEMS

A. Solar Energy Systems shall be allowed in any zoning district and may be installed upon receipt of the necessary construction, electrical and/or mechanical permit(s). Solar Energy Systems, as defined herein, shall be allowed as an accessory use, subordinate and customarily incidental to the principal use.

**SECTION 2.**

Article II, DEFINITIONS, Section 202, TERMS DEFINED, is hereby amended to add:

Solar Energy System. Any solar collector or other solar energy device, or any structural design feature, mounted on a building or on the ground, which converts solar energy to useable thermal, mechanical, chemical, or electrical energy to meet all or a significant part of a structure's energy requirements.

Solar Energy. Radiant energy, direct, diffuse, or reflected, received from the sun.

Electric Generation. The production of electricity for distribution off-site including electricity generated as a result of solar energy using Solar Energy Systems.

**SECTION 3.**

Article XVI, ENVIRONMENTAL PROTECTION, is hereby amended to provide as follows:

Section 1620. SOLAR ENERGY SYSTEM

A. Permit Required.

No person shall install, construct, drill or otherwise install any Solar Energy System for a structure, residential or commercial, within the Township without first obtaining a permit from the Township. No person shall repair or modify any existing Solar Energy System in the Township without first obtaining a permit from the Township.

B. Fees.

All applicants for a Solar Energy System permit shall pay all fees for application and inspection as established by Resolution of the Board of Supervisors, from time to time. No application shall be considered complete and processing of said application shall not begin until the fee is paid.

C. Regulations for Solar Energy Systems.

All Solar Energy Systems installed and/or repaired or modified within the Township after the effective date of this Ordinance shall comply with all of the following:

1. An applicant shall comply with all of the applicable Lower Nazareth Township Building Code requirements for Solar Energy Systems in addition to the requirements of this Section. In the event of a conflict between the provisions of this Section and the Lower Nazareth Township Building Code, the Lower Nazareth Township Building Code shall control.

2. All Solar Energy Systems shall be an accessory use to the

primary use of the lot and shall be located on the same lot as the primary use.

3. All Solar Energy Systems shall be located so as not to cast glare upon any neighboring properties or adjacent public or private streets.

4. All Solar Energy Systems shall be used solely for the purpose of providing electric to the property upon which they are situated.

5. Solar Energy Systems shall be located to minimize visual impact to neighboring properties and shall comply with the provisions of Section 1404.D.

6. Solar Energy Systems shall be located so as not to create any additional heat load upon neighboring properties.

7. All Solar Energy Systems which are not mounted on the primary use building on a lot shall be located in the rear or side yards only.

8. Roof mounted systems on the principal building shall not be more than one (1') foot higher than the finished roof to which it is mounted when the roof is a sloped roof and no more than six (6') feet higher than the finished roof to which it is mounted when the roof is flat. In no instance shall any part of the system extend beyond the edge of the roof.

9. Ground mounted Solar Energy Systems shall be not less than ten (10') feet from any side or rear property line. Solar Energy Systems are prohibited in front yards and shall not be located between the front wall of the principal building and adjacent street.

10. There is no limit to the number of Solar Energy Systems, i.e. individual units, installed on each property that may comprise a solar array of such systems, except for the provisions contained herein.

11. Solar energy commercial operations and electric generation as defined herein are prohibited as principal uses except where specifically provided otherwise in this Zoning Ordinance. Solar energy commercial operations and energy generation shall be deemed to be those Solar Energy Systems or an array of Solar Energy Systems whose main purpose is to generate energy for sale back to the energy grid system rather than being consumed on the site upon which they are located.

12. Ground mounted Solar Energy Systems shall not be categorized as accessory buildings.

13. If a Solar Energy System is attached to an accessory building, the number of accessory buildings allowed shall be regulated in accordance with the provisions set forth in the definition of accessory buildings.

14. Ground mounted Solar Energy Systems and systems attached to accessory buildings shall not exceed twelve (12') feet in height.

15. Installation of Solar Energy Systems shall be subject to all other sections of the Zoning Ordinance and a site plan shall be required for review by the Lower Nazareth Township Planning Commission and approval by the Board of Supervisors. The site plan shall specifically include all dimensional information regarding the

Solar Energy Systems, manufacturer's specifications, and three-dimensional schematics as may be required by the Board of Supervisors. Roof mounted residential solar systems are exempt from this provision but not exempt from compliance with the Lower Nazareth Township Building Code.

16. Ground mounted Solar Energy Systems are prohibited on lots of less than one acre.

17. No more than five (5%) percent of a lot may be covered with a ground mounted Solar Energy System.

18. The site plan required in connection with ground mounted Solar Energy Systems shall include a plan for visual screening from adjacent properties.

19. When damaged or otherwise not in use, all Solar Energy Systems shall be removed from the property.

20. The Zoning Officer shall notify all adjacent property owners when an application for a permit for ground mounted Solar Energy System is submitted for consideration by the Township.

21. No ground mounted Solar Energy System shall be designed or installed to generate energy in excess of the requirements of the property upon which it is located. That energy actually produced in excess of the needs of the principal use of the property shall only be that which is produced in peak production periods and shall only be available to use as credit to balance the usage of the principal property in non-peak production periods.

22. There shall be no commercial use of Solar Energy Systems except for the energy generated in excess of the require-

ments of the property and purchased by a public utility in accordance with the law or other governmental regulations. All agreements between a property owner and a public utility shall be filed with the Zoning Officer.

23. Ground mounted Solar Energy Systems upon lots either zoned or used for non-residential purposes shall be set back seventy-five (75') feet from residential uses.

**SECTION 4.**

All Ordinances inconsistent with this Ordinance and specifically those provisions of the current Lower Nazareth Township Zoning Ordinance, as amended, inconsistent herewith, are specifically repealed.

**SECTION 5.**

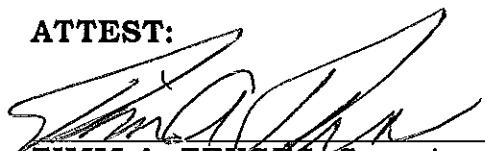
If any section, subsection, paragraph, sentence, clause or portion of this Ordinance shall be declared to be invalid or unconstitutional by any Court of record or of competent jurisdiction, then, in that event, the remaining portions of this Ordinance shall remain unaffected and in full force and effect.

**SECTION 6.**

This Ordinance shall be effective immediately.

ORDAINED AND ENACTED this 30 day of March, 2011.

ATTEST:

  
TIMM A. TENGES, Secretary

TOWNSHIP OF LOWER NAZARETH

BY:

  
ERIC NAGLE, Chairman