

**ARTICLE XLI**  
**SOLAR ENERGY**  
*[Added 4-16-2014 Ord. No. 1063]*

**§ 180.144. SOLAR ENERGY**

SOLAR energy equipment including SOLAR ENERGY SYSTEMS and SOLAR ENERGY FACILITIES may be authorized only when located and constructed in accordance with the standards and criteria of this Article.

180.144.1. BUILDING INTEGRATED SOLAR ENERGY SYSTEMS authorized by this Article shall be permitted as an ACCESSORY USE in all DISTRICTS when located within the confines of the BUILDING and constructed in accordance with the manufacturer specifications and all applicable codes and standards.

180.144.2. BUILDING MOUNTED SOLAR ENERGY SYSTEMS authorized by this Article shall be permitted as an ACCESSORY USE in all DISTRICTS subject to the following requirements.

180.144.2.1. Location

180.144.2.1.1. BUILDING MOUNTED SOLAR ENERGY SYSTEMS and all related equipment shall be attached to BUILDINGS located on the same LOT, serve the same USE and shall be architecturally uniform with the BUILDING.

180.144.2.1.2. BUILDING MOUNTED SOLAR ENERGY SYSTEMS are permitted to face any FRONT, SIDE or REAR YARD but shall not encroach upon any REQUIRED YARD AREA and shall conform to the maximum height requirements for the BUILDING for the applicable DISTRICT.

180.144.2.1.3. BUILDING MOUNTED SOLAR ENERGY SYSTEMS shall be mounted to a structural roof system.

180.144.2.2. Standards

180.144.2.2.1. BUILDING MOUNTED SOLAR ENERGY SYSTEMS and related equipment installed on a sloped roof shall be attached at an angle resembling the plane of the roof upon which it is installed, at a maximum perpendicular projection of eighteen (18) inches above the surface of the roof plane. The equipment shall not exceed the highest point of the sloped roof surface to which it is attached and shall not project horizontally beyond the front wall of the building or the edge of any roof.

180.144.2.2.2. BUILDING MOUNTED SOLAR ENERGY SYSTEMS and related equipment installed on flat roof systems shall not exceed a

height of five (5) feet above the surface of the roof and shall be located a sufficient distance from the roof edge so as to not be visible from the vantage point of a person standing on any public STREET abutting the FRONTAGE of the LOT.

180.144.2.2.3. All wiring or piping components used to connect BUILDING MOUNTED SOLAR ENERGY SYSTEMS installed on multiple buildings shall be installed underground and in compliance with applicable Plumbing and Electrical Codes.

#### 180.144.3. FREESTANDING SOLAR ENERGY SYSTEMS

180.144.3.1. FREESTANDING SOLAR ENERGY SYSTEMS contained within or on integrated street lights or independent commercial-type pole light structures may be authorized with the approval of a SITE PLAN.

180.144.3.2. FREESTANDING SOLAR ENERGY SYSTEMS shall not be permitted within RESIDENTIAL AREAS.

#### 180.144.4. SOLAR ENERGY FACILITIES

180.144.4.1. SOLAR ENERGY FACILITIES shall be considered and may be authorized as a PERMITTED USE when located within a Utility DISTRICT upon the approval of a SITE PLAN by COUNCIL in accordance with this Article and Chapter 180 of the BOROUGH Code.

180.144.4.2. SOLAR ENERGY FACILITIES shall be considered and may be authorized by COUNCIL as a CONDITIONAL USE when located within a Civic or Commercial DISTRICT provided all of the following standards and criteria of this Article are met.

##### 180.144.4.2.1. Location

180.144.4.2.1.1. SOLAR ENERGY FACILITIES shall be located a minimum distance of one hundred (100) feet from a RESIDENTIAL AREA.

180.144.4.2.1.2. SOLAR ENERGY FACILITIES shall be located at least fifty (50) feet from any LOT LINE, and shall not be located within any REQUIRED YARD AREA.

180.144.4.2.1.3. SOLAR ENERGY FACILITIES may be located on a LOT occupied by other principal STRUCTURES and may occupy a leased parcel within a LOT provided the LOT meets the minimum LOT size requirements for the DISTRICT and does not adversely affect the principal USE of the LOT, including parking provisions and traffic circulation, and shall comply with SITE PLAN approval.

## 180.144.4.3.1 Standards

180.144.4.3.1.1. The perimeter of the SOLAR ENERGY FACILITY shall be completely enclosed and secured with a chain-link fencing system with a height of eight (8) feet.

180.144.4.3.1.2. There shall be a reserved strip of land on all sides of the SOLAR ENERGY FACILITY for SCREENING purposes.

180.144.4.3.1.3. The entire perimeter of the SOLAR ENERGY FACILITY shall be permanently landscaped with suitable SCREENING and shall obstruct the view of the SOLAR ENERGY FACILITY from any STREET or adjacent LOT.

180.144.4.3.1.4. The strip for SCREENING shall be a constant depth of at least fifteen (15) feet to serve as a buffer.

180.144.4.3.1.5. SCREENING shall be installed and maintained by the SOLAR ENERGY FACILITY owner.

180.144.4.3.1.6. SCREENING shall be installed in accordance with accepted landscaping practices, and shall be maintained in an attractive and healthy manner.

180.144.4.3.1.7. Access shall be provided to the SOLAR ENERGY FACILITY by means of a public STREET or easement from a public STREET. The easement shall be a minimum of twenty-five (25) feet in width and shall be improved for a width of at least twenty (20) feet with a dust-free, all weather surface over its entire length, and shall meet the approval of the Whitehall Fire Chief/Code Official.

## 180.144.5. Approvals and Permits

180.144.5.1. A Permit shall be obtained prior to the installation or alteration of any SOLAR ENERGY SYSTEM.

180.144.5.2. SITE PLAN approval and a Permit shall be obtained prior to the construction of any alteration of any FREESTANDING SOLAR ENERGY SYSTEM or SOLAR ENERGY FACILITY.

180.144.5.3. The Permit application shall include complete plans, details and all required documentation.

180.144.5.3.1. The Permit application shall include documentation to demonstrate that the FREESTANDING SOLAR ENERGY EQUIPMENT

or SOLAR ENERGY FACILITY design meets the requirements of Chapter 78 of the BOROUGH Code, this Chapter, and all other applicable Law.

180.144.5.3.2. The applicant shall provide a detailed SITE PLAN identifying the proposed location of any FREESTANDING SOLAR ENERGY EQUIPMENT or SOLAR ENERGY FACILITY, enclosure fence, and all STRUCTURES and features on the LOT and adjacent properties. The SITE PLAN shall be prepared and certified by a licensed design professional.

180.144.5.4. The owner of the SOLAR ENERGY FACILITY shall comply with the following.

180.144.5.4.1. Upon completion of a SOLAR ENERGY FACILITY construction and at minimum of every five (5) years thereafter, the owner shall cause an inspection of the SOLAR ENERGY FACILITY and all equipment to be performed, and shall provide a report to the BOROUGH. The report shall be prepared and certified by a licensed Professional Engineer, and shall certify that the SOLAR ENERGY SYSTEMS are in proper working order and structurally sound.

180.144.5.4.2. If any component of a SOLAR ENERGY SYSTEM or SOLAR ENERGY FACILITY remains unused for a period of 12 consecutive months, the owner shall dismantle and remove it within twelve (12) months of the expiration of such 12-month period.

180.144.5.5. Approval of the CONDITIONAL USE for a SOLAR ENERGY FACILITY shall be valid for twelve (12) months from the date of Approval by COUNCIL. If a valid Permit in accordance with the complete terms and conditions of the Approval by COUNCIL is not obtained within twelve (12) months, the Approval of the CONDITIONAL USE shall become void.

#### 180.144.6. General Standards

180.144.6.1. SOLAR ENERGY SYSTEMS shall be designed and located in such a manner as to minimize reflective glare to surrounding property and public STREETS.

180.144.6.2. SOLAR ENERGY SYSTEMS and related equipment shall be installed in accordance with the manufacturer specifications and all applicable standards to include structural design verification and construction inspection requirements of the Whitehall Borough Code as adopted at Chapter 78 of the BOROUGH Code.

180.144.6.3. SOLAR ENERGY SYSTEMS shall not be used for the display of SIGNS, advertising, graphic content or lettering other than system manufacturer labeling and safety information related to the operation of the

system.

180.144.6.7. Any person, owner, or operator found in violation of this Article, as amended, shall be subject to civil enforcement penalties as set forth in the BOROUGH Code or any other legal or equitable remedies available under applicable law.