

**UNION CITY BOROUGH
ERIE COUNTY, PENNSYLVANIA
ORDINANCE NO. 1169**

AN ORDINANCE OF UNION CITY BOROUGH,
ERIE COUNTY, PENNSYLVANIA, AMENDING
THE UNION CITY BOROUGH ZONING
ORDINANCE TO SET FORTH REQUIREMENTS
FOR SOLAR ENERGY SYSTEMS.

WHEREAS, the Borough Council of Union City Borough, in the County of Erie, Commonwealth of Pennsylvania, ordained and enacted The Union City Borough Zoning Ordinance on May 22, 2018; and

WHEREAS, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§ 10101 et seq., enables a municipality through its zoning ordinance to regulate the use of property and the conservation of energy through access to and use of renewable energy resources; and

WHEREAS, Union City Borough seeks to promote the general health, safety and welfare of the community by adopting and implementing this Ordinance providing for access to and use of solar energy systems; and

WHEREAS, the purpose of this Ordinance is to set requirements for solar energy systems; and

WHEREAS, it is the duty and function of the Union Area Regional Planning Commission to prepare and recommend zoning regulations in Union City Borough; and

WHEREAS, on February 13th, 2024, the Union Area Regional Planning Commission recommended adoption of the Ordinance; and

WHEREAS, Union City Borough has received no substantial comments from the Erie County Planning Commission within thirty (30) days of submission of the Ordinance; and

WHEREAS, pursuant to public notice, the Borough Council held a public hearing regarding the Ordinance on March 18th, 2024, and

WHEREAS, the Borough Council, after consideration of comments received (or lack thereof, as the case may be), has determined that the Ordinance should not be substantially revised in whole or in part.

NOW, THEREFORE, BE IT ENACTED, by the Borough Council of Union City Borough, Erie County, Pennsylvania, and by authority of same, that the Union City Borough Zoning Ordinance is hereby amended, as follows:

Article 3, Section 302.02 (L), Permit Exemptions, is hereby amended to remove “roof mounted solar panels” from the list of zoning permit exemptions.

Article 3, Section 302.02, Permit Exemptions, is hereby amended to add the following to the list of zoning permit exemptions:

Accessory Solar Energy Systems (ASES) with an aggregate collection and/or focusing area of 100 square feet or less.

Article 5, Section 505, District Use Table, is hereby amended to add “Accessory Solar Energy System (ASES) to the list of accessory uses, and to permit the use in all zoning districts, as follows:

Key:	P = Permitted Use SE = Special Exception	R-1	R-2	RLB	C-1	C-2	I-1
Accessory Uses							
Accessory Solar Energy Systems (ASES) (1102.04)		P	P	P	P	P	P

Article 5, Section 505, District Use Table, is hereby amended to add “Principal Solar Energy Systems (ASES) to the list of non-residential uses. The use shall be permitted uses a special exception “SE” in the I-1, Industrial District, as follows:

Key:	P = Permitted Use SE = Special Exception	R-1	R-2	RLB	C-1	C-2	I-1
Non-Residential Uses							
Principal Solar Energy Systems (PSES) (1102.05)							SE

Article 11, Supplementary Regulations, is hereby amended to add Section 1102, Solar Energy Systems, to provide as follows:

1102 Solar Energy Systems

1102.01 Applicability

- A. This ordinance applies to solar energy systems to be installed and constructed after the effective date of this ordinance, and all applications for solar energy systems on existing structures or property.
- B. Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.
- C. Any upgrades, modifications or changes that materially alter the size or placement of an existing solar energy system shall comply with the provisions of this ordinance.

1102.02 Purpose

The purpose of this ordinance is to promote the use of solar energy and to provide for the land planning, installation and construction of solar energy systems in Union City Borough, subject to reasonable conditions that will protect the public health, safety and welfare.

1102.03 Definitions Specific to Solar Energy Systems

The following words, terms and phrases, when used in this ordinance, unless the context indicates otherwise, shall have the following meanings ascribed to them:

Accessory Solar Energy System (ASES): An area of land or other area used for a solar energy system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof or wall mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

Glare: The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Ground Mounted Solar Energy System: A solar energy system that is anchored to the ground via a pole or other mounting system, detached from any other structure.

Municipality: Borough of Union City.

Non-Participating Landowner: Any landowner except those on whose property all or a portion of a solar energy system is located pursuant to an agreement with the solar energy system owner or operator.

Principal Solar Energy System (PSES): An area of land or other area used for a solar energy system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof or wall mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

Solar Energy: Radiant energy (direct, diffuse and/or reflective) received from the sun.

Solar Energy System: A solar photovoltaic cell, module/panels, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

1. **Solar Array:** A grouping of multiple solar modules with the purpose of harvesting solar energy.
2. **Solar Cell:** The smallest basic solar electric device which generates electricity when exposed to light.
3. **Solar Module:** A grouping of solar cells with the purpose of harvesting solar energy.
4. **Solar Panel:** That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

Solar Energy System Owner (PSES Owner): The individual, group, entity or entities having an equity interest in the solar energy system, including their respective successors and assigns.

Solar Project Area: The total area of land including the solar energy system, the space between solar arrays, stormwater management area, access drives, fencing and internal access roads. The solar project area does not include any area set aside exclusively for agricultural uses and designed to be adequate for the maneuverability of typical farm equipment.

Solar Related Equipment: Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

1102.04 Accessory Solar Energy Systems (ASES)

Accessory Solar Energy Systems (ASES) shall be subject to the following criteria:

A. Regulations Applicable to All Accessory Solar Energy Systems:

1. Exemptions
 - a. ASES with an aggregate collection and/or focusing area of 100 square feet or less are exempt from this ordinance.
 - b. ASES constructed prior to the effective date of this Ordinance shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing ASES whether or not existing prior to the effective date of this Ordinance that materially alters the ASES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
2. The ASES shall be located, designed, and installed as per the manufacturer's specifications, as well as all zoning, building code, utility requirements, and in accordance with the National Electric Code (latest version adopted in Pennsylvania).
3. Upon completion of installation, the ASES shall be maintained in good working order in accordance with the standards of the applicable codes under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement action by the municipality.
4. All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.
5. The owner of an ASES shall provide the Municipality written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.
6. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.
7. Glare
 - a. All ASES shall be situated to prevent concentrated glare onto nearby structures or roadways. Exterior surfaces shall have a non-reflective finish.
 - b. The applicant and/or operator has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
8. Decommissioning

- a. Each ASES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by the system owner and/or operator, or upon termination of the useful life of same.
 - b. The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.
9. Permit Requirements
- a. Zoning /building permit applications shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.
 - b. Prior to the issuance of a zoning or land use permit, ASES applicants shall acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself;
 - i. The right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or
 - ii. The right to prohibit the development on or growth of any trees or vegetation on such property.
 - c. The zoning/building permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.
 - d. The ASES shall be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. Failure of the property owner to maintain the ASES in compliance with the foregoing provisions is grounds for appropriate enforcement actions by the municipality.
- B. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:
- 1. A roof mounted or wall mounted ASES may be located on a principal or accessory building.
 - 2. Notwithstanding the height limitations within the underlying Zoning District:
 - a. For ASES installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
 - b. For a roof-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.
 - 3. Wall mounted ASES that are mounted on a principal building or structure shall comply with the setbacks for principal structures in the underlying zoning district. Wall mounted ASES that are mounted on an accessory building or structure shall comply with the setbacks for accessory structures in the underlying zoning district.
 - 4. Solar panels shall not extend beyond any portion of the roof edge.
 - 5. Roof mounted solar panels shall be located only on rear or side-facing roofs as viewed from any adjacent street unless the applicant demonstrates that, due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively.

6. The owner shall provide evidence certified by an appropriately licensed professional that the roof or wall-mounted system complies with the Uniform Construction Code and that the roof or wall is capable of holding the load of the ASES.
- C. Ground Mounted Accessory Solar Energy Systems:
1. Ground mounted ASES with a solar project area greater than 15,000 square feet shall comply with the requirements of Section 1102.05, Principle Solar Energy Systems.
 2. Setbacks:
 - a. A ground mounted ASES shall not be located in the required front yard setback.
 - b. The minimum yard setbacks from side and rear property lines shall comply with the setbacks for accessory structures in the underlying zoning district.
 3. Ground mounted ASES are prohibited in front yards, between the principal building and the public street, unless authorized by the Zoning Hearing Board. The Zoning Hearing Board may authorize the installation of a ground mounted ASES in front of the principal building, outside the required front yard, if the applicant demonstrates that, due to solar access limitations, no location exists on the property other than the front yard where the solar panel can perform effectively.
 4. Height
 - a. Within Residential Districts freestanding ground mounted ASES shall not exceed 15 feet in height above the ground elevation surrounding the system.
 - b. Within Non-Residential Districts ground mounted ASES shall not exceed 20 feet in height above the ground elevation surrounding the system.
 5. Stormwater Management:
 - a. The applicant shall demonstrate compliance with the municipal stormwater management ordinance.
 - b. The area beneath the ground mounted solar arrays is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to stormwater management requirements and the impervious surfaces limitations for the underlying zoning district.
 6. Screening: Ground mounted ASES shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a decorative fence meeting requirements of the zoning ordinance may be used.
 7. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.
 8. Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

1102.05 Principal Solar Energy Systems (PSES)

Principal Solar Energy Systems (PSES) shall be subject to the following criteria:

- A. Regulations Applicable to All Principal Solar Energy Systems (PSES):
1. Exemption: PSES constructed prior to the effective date of this Ordinance shall not be required to meet the terms and conditions of this Ordinance. Any physical modification

- to an existing PSES whether or not existing prior to the effective date of this Ordinance that materially alters the PSES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
2. The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), , Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
 3. All on-site utility, transmission and plumbing lines shall be placed underground to the extent feasible.
 4. Upon completion of installation, the PSES shall be maintained in good working order in accordance with the standards of the applicable codes under which the PSES was constructed. Failure of the property owner to maintain the PSES in good working order is grounds for appropriate enforcement action by the municipality.
 5. The owner of a PSES shall provide the Municipality written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system. The written confirmation shall include a statement of capacity and approval of the proposed connection.
 6. No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.
 7. Glare
 - a. All PSES shall be situated to prevent concentrated glare onto nearby structures or roadways. Exterior surfaces shall have a non-reflective finish.
 - b. The applicant and/or operator has the burden of proving that any glare produced does not have a significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
 8. A noise management plan that addresses noise produced during construction and during the facilities operation, to be approved by the municipality, shall be included with the application. The plan, at a minimum, shall separately address noise during construction and facility operations and include mitigation, an assessment of the noise that will emulate at the perimeter fence, and the contact information for the individual(s) who is responsible for implementation and compliance both during construction and operations. The volume of sound inherently and recurrently generated shall be controlled so as not to cause a nuisance to adjacent uses. During operation of the PSES, audible sound shall follow best management practices regarding sound, as measured at the property line on a non-participating landowner's property.
 9. PSES installers of the project rated at 5 MW or greater must demonstrate that they have installed at least ___ utility-scale solar projects in the last ___ years. PSES installers must certify they are listed as a certified installer on the PA Department of Environmental Resources (DEP) approved solar installer list or that they meet the

criteria to be a DEP approved installer by meeting or exceeding one of the following requirements: 1) is certified by the north American Board of Cerified Energy Practitioners (NABCEP) or 2) has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three (3) PV systems.

10. Use of Public Roads

- a. The applicant shall identify all state and local public roads to be used within the municipality to transport equipment and parts for construction, operation or maintenance of the solar energy system.
- b. The municipal engineer, or a qualified third party engineer hired by the municipality and paid for by the applicant shall document road conditions prior to construction. The engineer shall document road conditions again within thirty (30) days after construction is complete or as weather permits.
- c. The municipality may require that the developer bond the road in compliance with state and local regulations.
- d. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.

11. Decommissioning

- a. The PSES owner is required to notify the municipality immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months. The PSES is not presumed to be discontinued or abandoned if the PSES owner has temporarily ceased its operation, but is in the process of transferring ownership and management of the PSES.
- b. If it is determined that the PSES has permanently ceased it operation, or has been abandoned, the PSES owner shall then have eighteen (18) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property.
- c. To the extent possible, the materials shall be re-sold or salvaged. Materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials by federal or state law.
- d. Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards.
- e. Any access drive paved aprons from public roads may remain for future use unless directed otherwise by the landowner.
- f. The PSES site area shall be restored to its pre-existing condition, suitable for its prior use, except the landowner may authorize, in writing, any buffer landscaping or access roads installed to accommodate the PSES to remain.
- g. Any necessary permits, such as Erosion and Sedimentation and NPDES permits, shall be obtained prior to decommissioning activities.
- h. At the time of issuance of approval for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the

municipality and in favor of the municipality, to secure its obligations under this Section.

- i. The PSES developer shall, at the time of the zoning application, provide the municipality with an estimate of the cost of performing the decommissioning activities required herein. The solar project owner shall provide financial security of 150% of the estimated cost of decommissioning. The estimate may include an estimated salvage and resale value, discounted by a factor of 10%. The decommissioning cost estimate formula shall be: gross cost of decommissioning activities minus 90% credit of salvage and resale value equals the decommissioning cost estimate.
- ii. On every 5th anniversary of the date of providing the decommissioning financial security, the PSES owner shall provide an updated decommission cost estimate, utilizing the formula set forth above with adjustments for inflation and cost and value changes. If the decommissioning security amount increases, the PSES owner shall remit the increased financial security to the municipality within 30 days of the approval of the updated decommissioning security estimate by the municipality. If the decommissioning security amount decreases by greater than 10%, the municipal owner shall release from security any amounts held in excess of 150% of the updated decommission cost estimate.
- iii. Decommissioning security estimates shall be subject to review and approval by the municipality, and the PSES developer/owner shall be responsible for administrative, legal, and engineering costs incurred by the municipality for such review.
- iv. The decommissioning security may be in the form of cash deposit, surety bond, irrevocable letter of credit, cashier's check, or escrow amount from a federal or Commonwealth chartered lending institution in the amount of 110% of the total proposed decommission cost estimate and in a form satisfactory to the municipality and their solicitor.
- v. Prior to final approval of any plans for a PSES, the PSES developer shall enter into a decommissioning agreement with the municipality outlining the responsibility of parties under this agreement as to the decommissioning of the PSES.

12. Plan Requirements

- a. Exemption: Roof mounted PSES do not require submission of a land development plan.
- b. The applicant shall submit a land development plan that includes the following:
 - i. A narrative describing the proposed PSES, including an overview of the project; the project location; the approximate generating capacity of the PSES; the approximate number, representative types and height or range of heights of the panels or other solar related equipment to be constructed or installed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

- ii. An affidavit or similar evidence of agreement between the landowner(s) of the real property on which the PSES is to be located and the PSES owner, demonstrating that the PSES owner has the permission of the landowner(s) to apply for necessary permits or approvals for construction and operation of the PSES.
- iii. Identification of the property, properties or portions thereof on which the proposed PSES will be located, and the properties adjacent to where the PSES will be located.
- iv. A site plan showing the planned location of solar related equipment, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the solar energy system to the substation(s), ancillary equipment, buildings, and structures, including associated distribution and/or transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
- v. The PSES owner shall provide written confirmation that the public utility company to which the PSES will be connected has been informed of the PSES owner's intent to install a grid connected system, and has approved such connection.
- vi. The PSES owner shall provide the name and phone number of a person responsible for the public to contact with inquiries and complaints related to the PSES. The PSES owner shall make reasonable efforts to respond to the public's inquiries and complaints.
- vii. An affidavit by the PSES owner shall be included on the land development plan, acknowledging that approval of the land development plan shall not and does not create in the property owner(s), its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
- viii. Documents related to decommissioning, including a decommissioning agreement with the municipality, a schedule for the decommissioning, and financing security.
- ix. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the municipality to ensure compliance with this ordinance.

Permit Requirements

- c. Zoning /building permit applications shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the PSES on the building or property, including property lines. Permits must be kept on the premises where the PSES is constructed.
- d. Unless specifically exempted by this Ordinance, the PSES applicant shall submit a land development plan in accordance with Section 1102.05 (A, 11) Plan Requirements.

- e. The PSES applicant shall submit an approved stormwater management plan that demonstrates compliance with the Union City Borough Stormwater Management Ordinance.
- f. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
- g. Participating Landowner Agreement: The Permit application shall include an affidavit or similar evidence of agreement between the landowner(s) of the real property on which the PSES is to be located and the PSES owner, demonstrating that the PSES owner has permission of the landowner(s) to apply for necessary permits or approvals for construction and operation of the PSES.
- h. Prior to the issuance of a zoning or land use permit, PSES applicants shall acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself;
 - i. The right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or
 - ii. The right to prohibit the development on or growth of any trees or vegetation on such property.

This acknowledgement shall be submitted to the municipality and placed on any required subdivision and/or land development plans.

- i. Routine maintenance or like-kind replacements do not require a permit.
 - j. The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.
- B. Roof Mounted and Wall Mounted Principal Solar Energy Systems:
- 1. PSES mounted on roofs or walls of any building shall be subject to the maximum height regulations of the underlying zoning district.
 - 2. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and that the roof or wall is capable of holding the load imposed on the structure. Applications for roof mounted PSES shall be accompanied by engineer stamped plans that demonstrate the structural sufficiency of the roof to hold the weight of the PSES.
- C. Ground Mounted Principal Solar Energy Systems:
- 1. Minimum Lot Size: The PSES shall meet the minimum lot size requirements of the underlying zoning district.
 - 2. Setbacks:
 - a. PSES shall comply with the setbacks of the underlying zoning district for principal structures, unless specified otherwise.
 - b. PSES shall be located a minimum of 20 feet from adjacent residential districts or structures.
 - c. Required fences shall be considered principal structures for purposes of setbacks.

- d. No side or rear setback shall be required where a PSES spans across lot lines, provided each landowner has signed a written waiver of the lot line setback.
 - e. Noise generating equipment, including but not limited to electricity storage equipment, inverters and transformers shall be located a minimum of 100 feet from all road rights-of-way and property lines of a non-participating landowner's property; and a minimum of 150 feet from any occupied building located on a non-participating landowner's property. Property owners of non-participating properties may waive these setback requirement by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes. However, in no case shall setbacks from the non-participating property lines be less than the required setbacks for a principal structure within the underlying zoning district.
3. Height: Ground mounted solar related equipment shall not exceed 25 feet in height above the ground elevation surrounding the systems, except that there shall be no maximum height restrictions for structures that support the electric conveyance lines which connect the solar energy system to the high-voltage electric interconnection grid.
 4. Stormwater Management/Coverage:
 - a. The applicant shall submit a stormwater management plan that demonstrates compliance with the Union City Borough Stormwater Management Ordinance.
 - b. The area beneath the ground mounted PSES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the applicable zoning district and for stormwater management ordinance requirements.
 - c. Gravel or paved access roads servicing the PSES shall be considered impervious coverage and subject to the impervious surfaces limitations for the applicable zoning district and for stormwater management ordinance requirements.
 - d. All mechanical equipment of the system including any structure for batteries or storage cells shall be considered impervious coverage and subject to the impervious surfaces limitations for the applicable zoning district and for stormwater management ordinance requirements.
 - e. PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management
 5. Buffer and Screening Requirements: Ground mounted PSES shall comply with all applicable requirements of Section 702, Buffer Yard and Screening Requirements.
 6. Ground-mounted PSES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system
 7. Access
 - a. Stabilized access drives, with a dust-free surface, shall be installed from a state or local road in order to allow maintenance and emergency management vehicles to access the PSES site. The minimum cartway width shall be fourteen

- (14) feet. The PSES developer shall obtain a permit from the appropriate jurisdiction for the construction of the access road.
 - b. Solar arrays and other solar related equipment shall be setback a minimum of twenty (20) feet from the inside perimeter fencing to allow for maintenance and emergency vehicles.
 - c. Spacing between solar array rows shall allow access for maintenance and emergency vehicles.
8. Public Safety:
- a. The applicant shall provide a copy of the project summary and site plan to Union City Volunteer Fire Department and Erie County Department of Public Safety.
 - b. Upon request, the applicant shall cooperate with the Union City Volunteer Fire Department and/or Erie County Department of Public Safety to develop and coordinate implementation of an emergency response plan for the solar energy system.
 - c. Ground mounted solar energy systems shall be enclosed by a fence, barrier or other appropriate means to prevent or restrict unauthorized persons or vehicles from entering the property.
 - d. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.
9. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority. Any lighting shall be directed downward so as to minimize negative impacts to adjacent uses.

Severability: If any section, paragraph, provision, regulation, limitation, restriction, sentence, clause, phrase, section, subsection or word in this Ordinance is declared for any reason to be illegal, unconstitutional or invalid by and court of competent jurisdiction or other tribunal, such decision shall not affect or impair the validity of this Ordinance as a whole, or any other section, subsection, paragraph, provision, regulation, limitation, restriction, sentence, clause, phrase, section, subsection, word or remaining portion of the Ordinance. The Borough Council declares that it would have adopted this Ordinance and each paragraph, provision, regulation, limitation, restriction, sentence, clause, phrase, section, subsection or word hereof irrespective of the fact that any one or more of the sections, subsections, paragraphs, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

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


Effective Date: This Ordinance shall become effective immediately upon its proper execution by the Borough Mayor.

DULY ENACTED AND ORDAINED, this 18th day of March 2024, by the Borough Council of Union City Borough, Erie County, Pennsylvania, in lawful session duly assembled.

ATTEST:



Cindy Wells, Secretary



Riley Cross, President

APPROVED



Robert Wolf, Mayor

I certify that the above is a true copy of the Union City Borough, Erie County, Pennsylvania, Ordinance No. 1169, adopted by the Union City Borough Council on March 18th, 2024, and advertised in the Erie Times-News on February 20th, 2024, and March 7th, 2024.



Cindy Wells, Secretary