

# Details Applicable to the Inclusion of Non-Commercial Solar and Wind Systems in the Municipal Zoning Ordinance

*A Conservation Tools.org Supplement for the Guide to*

## Zoning for Non-Commercial Solar and Wind Systems

1. Build community support by establishing a task force or committee to help create balanced alternative energy zoning regulations. The task force should be comprised of elected and appointed officials, landowners, interested professionals and volunteers, and other stakeholders. The task force could: research current regulations; guide the professional consultant hired to draft, and/or, review/edit the zoning provisions as needed. The Pennsylvania Department of Environmental Protection document, [Solar Energy Systems, A Guide for Pennsylvania Municipal Officials](#), provides a starting point, as do other examples provided herein. With respect to sample wind ordinances and other related guides, DEP's model wind ordinance applies to wind farms that are principal uses on a building lot, which are not addressed by this Tool. However, the American Wind Energy Association offers some generally applicable information [here](#) and [here](#).
2. Decide on the ordinance framework – e.g., a stand-alone ordinance, or specific amendments to the existing zoning ordinance. This Tool outlines the process to include alternative energy systems in an existing zoning ordinance.

Approvals of some alternative energy uses in sensitive zoning districts, along with appeals of, or requested variances from, the applicable zoning regulations provisions would be heard by the municipality's Zoning Hearing Board. It should be noted that zoning ordinance amendments often require revisions to multiple sections of the ordinance. While a stand-alone ordinance may be simpler to prepare from this perspective, it would likely need its own administrative and enforcement provisions. Further, an appeal of a stand-alone ordinance provisions would be heard by a local circuit court.

3. Tailoring needed. Avoid wholesale adoption of another municipality's alternative energy zoning ordinance. Models from advocacy groups or adopted ordinances from other municipalities can be extremely useful to help ordinance writing. However, zoning provisions specifically tailored to the municipality are easier

both to incorporate into an existing zoning ordinance as well as to effectively administer and enforce.

4. Use a professional planner and other experts in the field of alternative energy systems to draft the zoning regulations, facilitate task force meetings, and keep the task force focused. The consultant should also be tasked with ensuring that the MPC's requirements for zoning ordinance amendment are met. Also, consult the municipality's solicitor for legal guidance on zoning ordinance development and enactment to avoid legal challenges.
5. Be proactive, not reactive, in developing zoning regulations that permit use of solar and wind systems. This will allow adequate time to undertake the drafting and enactment process before a significant project is proposed (refer to the "Lessons Learned" section of this Tool).
6. Expect revisions. Recognize that even the best zoning ordinances cannot predict all extenuating circumstances that the municipality may face on any given alternative energy proposal, especially with expected technology changes.
7. Seek funding. Investigate whether county or federal grant funds could help cover consulting and other costs incurred to develop the alternative energy zoning regulations. Since allowing alternative energy uses helps a municipality reduce greenhouse gas emissions, the supporting zoning revisions may be eligible for U.S. Department of Energy funds distributed to Pennsylvania's municipalities.
8. Public outreach and information. Information meetings, articles in the municipal newsletter, and/or updates on the municipal website will all help to educate the public, and to build support. These are important activities that should occur prior to the formal public hearing that will be required for adoption of an alternative energy zoning ordinance.