

CITY OF ST. MARYS

ORDINANCE NO. ____

AMENDING THE CITY ZONING ORDINANCE BY ESTABLISHING
REGULATIONS FOR DIGITAL MINING FACILITIES AND SOLAR ENERGY SYSTEMS

WHEREAS, the City of St. Marys Zoning Ordinance currently does not regulate the location or requirements for digital mining facilities and solar energy systems;

AND WHEREAS, City Council has determined that there is a reasonable likelihood that such facilities may be established in the City;

AND WHEREAS, such facilities, if not appropriately sited and regulated, may have detrimental effects on the health, welfare and safety of the neighborhoods in which they will be located or in the City generally;

AND WHEREAS, City Council finds that such facilities, when reasonably regulated, may provide economic benefit to the community;

NOW, THEREFORE, City Council ordains as follows:

Section 1. Chapter 27, Part1, Section 112, of the City Code is amended by adding the following definitions:

DIGITAL CURRENCY MINING

The process where computers (also known as “nodes” or “mining rigs”) validate blockchain transactions for a specific item of digital currency (often described as a “bitcoin” or “cryptocurrency”) for a financial benefit

SOLAR ENERGY SYSTEM

A facility consisting of one or more modules or panels used in tandem to collect solar energy for the purpose of generating electricity or heat. A solar energy system, as regulated under this ordinance, may be classified as:

- (a) An accessory solar energy system (“ASES”) – a system primarily intended to generate power for on-site use. The system may be installed on a roof or wall of an existing structure.
- (b) A community solar energy system (“CSES”) – a system intended primarily to generate power to a particular development, neighborhood or adjacent community, not exceeding a capacity of five (5) megawatts per day of output.

- (c) A grid-scale solar power system (“GSES”) – a system primarily intended to generate power to be supplied to the commercial power grid and having a capacity in excess of five (5) megawatts per day of output.

GLARE

The effect produced by the collection of light with an intensity sufficient to cause unreasonable annoyance, discomfort or loss of visual performance or visibility.

SOLAR ARRAY

A grouping of multiple solar modules or panels with the purpose of collecting solar energy.

Section 2. Chapter 27, Part 3, Section 301.5, Accessory Uses and Structures, is amended by adding the following:”

Accessory solar energy systems (ASES) are permitted only when attached to the roof or outside wall of a building. No ASES shall cause glare on neighboring properties.

Section 3. Chapter 27, Part 2, Section 200.3, is amended by adding:

- L. Digital Currency Mining (See Section 460);
- M. Community Solar Energy System (See Section 461);
- N. Grid-scale Solar Energy System (See Section 461).

Section 4. Chapter 27, Part 2, Section 221.3, is amended by adding:

- B. Community Solar Energy System (See Section 461);
- C. Grid-scale Solar Energy System (See Section 461)

Section 5. Chapter 27, Part 4, is amended by adding the following sections:

Section 460. Digital Currency Mining.

Where digital currency mining is allowed by special exception under this Chapter, the use shall meet all of the following requirements:

- (a) All activities constituting the use must be conducted within an enclosed building;
- (b) The building shall be setback at least 100 feet from any street or property boundary;
- (c) The sound level measured at the property boundary shall at no time exceed a noise level of 65dbA, or the applicable standard imposed by federal law, whichever is less, over the

relevant time period established under OSHA regulations for industrial activities in effect on the date of application;

- (d) The applicant must produce evidence, certified by a professional engineer, that the proposed use will not have an adverse effect on electrical or digital internet services in the neighborhood or the City

Section 461. Solar Energy Systems.

Where a community solar energy system ((CSES) or a grid-scale solar energy system (GSES) is permitted by special exception under this Chapter, the use shall meet all of the following requirements:

- (a) All facilities, including solar arrays, must be set back at least fifty (50) feet from every property boundary;
- (b) The use shall not cause any glare to any neighboring properties;
- (c) All on-site utility and transmission lines and piping shall be placed underground to the extent feasible;
- (d) The applicant shall provide written confirmation that the public utility company to which the applicant intends to connect the system has approved the connection;
- (e) In the case of a CSES, the applicant shall submit a copy of all relevant documents establishing the existence of a good faith contract for the purchase or use of the power to be generated by the facility;
- (f) The applicant shall submit a plan for the regular maintenance of the grounds surrounding and within the facility to a condition consistent with the neighborhood which surrounds the facility;
- (g) If the site is to be leased, the applicant shall submit a copy of the lease, with the right to redact all financial information from the documents;
- (h) All structures shall comply with any relevant height limitations within the Chapter;
- (i) The applicant shall submit a plan for decommissioning of the facility if no energy is produced from the facility for a continuous period of two years. Decommissioning shall include the removal of all above-ground and underground facilities and the return of the property to its natural state.
- (j) Prior to the approval of any permit, the Zoning Hearing Board may require that the applicant post financial security for decommissioning. The financial security may not exceed the estimated cost of removal of all facilities from the site. The security may consist of an irrevocable letter of credit from a national-recognized financial institution or licensed insurance company authorized to do business in the Commonwealth of Pennsylvania.

ADOPTED this ___ day of _____, 202_, at a duly constituted public meeting of City Council.

CITY OF ST. MARYS, by:

Attest:

Mayor

Secretary

(SEAL)