

PENNSBURY TOWNSHIP, CHESTER COUNTY

ORDINANCE NO. 2022-07-20-1

AN ORDINANCE OF PENNSBURY TOWNSHIP ADOPTED PURSUANT TO THE AUTHORITY OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AMENDING THE CODE OF THE TOWNSHIP OF PENNSBURY, CHAPTER 162 - ZONING REGULATIONS APPLICABLE TO SOLAR ENERGY SYSTEMS

The Board of Supervisors of Pennsbury Township hereby enacts and ordains as follows:

Section 1. Chapter 162, Article II, Section 162-202 of the Code of the Township of Pennsbury (the “Pennsbury Code”) is amended by adding the following definitions in the proper alphabetical sequence:

BUILDING CODE – The statutes, ordinances, and regulations applicable to the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy, or change of occupancy of every building or structure in the Township as adopted and amended from time to time by the Pennsylvania Department of Labor and Industry known as the Pennsylvania Uniform Construction Code.

CODE ENFORCEMENT OFFICER – See definitions of **BUILDING OFFICIAL** and **ZONING OFFICER**.

INDIVIDUAL NET METERING – An electricity billing mechanism that credits Solar Energy System owners for the electricity the system provides to the public utility energy grid to which the system is connected. Individual Net Metering credits are provided to a single electric meter located on the property where the system is located, installed, and operated.

SOLAR SYSTEM APPURTENANCES – Mechanical, electrical, and other equipment and devices associated with and necessary for the use and operation of a Solar Energy System.

Section 2. Chapter 162, Article II, Section 162-202 of the Pennsbury Code is amended by deleting the definition of Principal Solar Energy System and inserting the following new definition:

PRINCIPAL SOLAR ENERGY SYSTEM – A Solar Energy System that is the principal use of the lot on which the system is located and is not an Accessory Solar Energy System as defined herein.

In addition, the definition of **BUILDING OFFICIAL** in Section 162-202 is amended by deleting the term “Building Inspector” and inserting in its place the term “Building Official.”

Section 3. Chapter 162, Article XX of the Pennsbury Code is amended by deleting the existing Section 162-2045 and enacting the following new Section 162-2045:

§ 162-2045 Solar Energy Systems.

- A. Purpose. It is the purpose of these regulations to promote the safe, effective, and efficient use of Solar Energy Systems to reduce the consumption of non-renewable utility-supplied energy, heat, hot water, or any combination of the above, while protecting the health, safety, and welfare of the residents of the Township, and while protecting adjacent land uses through appropriate zoning and land-use controls. Where, in the course of reviewing a permit or Conditional Use application for any Solar Energy System, it is deemed advisable for the Township to retain the services of the Township engineer or any other consultant, all reasonable costs for such services shall be borne by the Applicant.
- B. Exempt Devices. The following devices are exempt from the requirements of Section 162-2045 and are permitted by right and without a permit in all Zoning Districts:
1. Solar panels not exceeding two (2) square feet in area that supply energy to a single device or appliance (e.g., landscape lighting and fountains).
 2. Solar panels and collectors designed, used as, and having the appearance of roof sheathing materials, including shingles, tiles, and cedar shakes.
- C. Accessory Solar Energy Systems. An Accessory Solar Energy System shall be permitted in all Zoning Districts either by right or by Conditional Use as set forth below.
1. Accessory Solar Energy Systems permitted by right. Roof-mounted Accessory Solar Energy Systems, which have no Solar Panels or Solar System Appurtenances located on any part of the roof facing a street or visible from a street adjacent to the property, shall be permitted in all Zoning Districts as a by right accessory use, subject only to proper permitting and compliance with all applicable criteria and standards set forth in paragraph D below.
 2. All Accessory Solar Energy Systems that do not meet the criteria for by right systems set forth above, including all ground-mounted Accessory Solar Energy Systems, shall be permitted only by Conditional Use in all Zoning Districts.
- D. Criteria and Standards. The following criteria and standards shall apply to all Solar Energy Systems unless the text clearly specifies otherwise. Compliance with the criteria and standards shall be demonstrated by submission of information and documentation with the building permit application or Conditional Use application and evidence presented to the Code Enforcement Officer or at the Conditional Use hearing, as applicable. For additional guidance on the submission of applications and compliance with criteria and standards, refer to the Roof-Mounted Solar Energy System Checklist, the Checklist for Conditional Use Application for Ground Mounted Solar Energy System or Other Solar Energy System that is not a By Right System, and the Procedure for Conditional Use Application, which are available on the Pennsbury Township website, www.pennsbury.pa.us.
1. Design and Permitting. The design and installation of the Solar Energy System shall conform to applicable industry standards, such as those of the American National Standards Institute, Underwriters Laboratories, the American Society for Testing and Materials, or

other similar certifying organizations, and shall comply with the Building Code and with other applicable codes and fire and life safety requirements adopted as of the time of application. A zoning permit, building permit and other permits (e.g., electrical, mechanical) in accordance with the Building Codes adopted as of the time of application shall be required. Applicable manufacturer specifications shall be submitted as part of any permit applications along with any other documentation requested by the Zoning Officer or Building Official necessary to prove compliance with the standards set forth in this Section 162-2045 and any other applicable provisions of this Chapter. In addition:

- (a) All applications for roof-mounted systems shall (i) include a Structural Certification from a structural engineer stating that the roof can handle the additional loads imposed by the roof-mounted solar array, and (ii) be submitted to the Fire Chief for review and approval.
 - (b) All applications for ground-mounted systems shall include a topography survey, including contour lines, that shows where the proposed system is to be located.
2. Individual Net Metering. The Accessory Solar Energy System must be an Individual Net Metering system as defined in Section 162-202 or a system that is not connected to the power grid and exclusively serves the energy needs of the property on which the system is located.
3. Grid interconnection. Applicants for a Solar Energy System connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
4. Electrical lines. All electrical lines from the Solar Energy System to any building and/or other structure shall be encased and located underground.
5. Glare. Solar collectors shall be manufactured and installed so as to prevent glare or concentrated solar radiation from being directed onto other properties or streets. Antireflective surface materials or coatings shall be used to preclude glare to the extent feasible.
6. Class 1 or Class 2 Historic Resources. If a Solar Energy System is proposed to be located within 500 feet of any Class 1 or Class 2 Historic Resource, such system shall be subject to review and recommendation by the Historical Commission on the impact on the Historic Resource.
7. Solar access easements. A Solar Energy System shall be located to ensure solar access without reliance on adjacent properties. Where necessary to ensure that solar access to a Solar Energy System shall not be obstructed over time by permissible uses or activities on any adjacent property (i.e., by planting or growth of vegetation, new construction, etc.), it shall be the responsibility of the owner of the Solar Energy System to obtain appropriate solar access easement(s) from neighboring property owner(s) and to notify the Township upon the recording of any such easement(s). All solar access easements shall be recorded in

the chain of title of both the property where the system is located and the adjacent property in the Office of the Recorder of Deeds of Chester County.

8. Area and Bulk Regulations and Setback requirements.

- (a) Accessory Solar Energy Systems. Ground-mounted Accessory Solar Energy Systems shall meet the setback requirements of Section 162-2045.D.10(b) and (c) below. The maximum height of a ground-mounted Solar Energy System and all Solar System Appurtenances shall be ten (10) feet above the ground elevation surrounding the system.
- (b) Principal Solar Energy Systems. Principal Solar Energy Systems shall meet all area and bulk regulations and the setback requirements of the LI District for principal uses, except that the maximum height of a ground-mounted Solar Energy System and all Solar System Appurtenances shall be ten (10) feet above the ground elevation surrounding the system.

9. Roof-mounted systems.

- (a) The placement and location of the solar panels shall comply with all codes adopted as of the time of the application, including but not limited to those related to fire protection and access by fire personnel.
- (b) A roof-mounted Solar Energy System may exceed, by no more than four (4) feet, the applicable building height or accessory building height limitation, but shall not exceed the height of the ridgeline of any sloping roof upon which it is mounted.

10. Ground-mounted systems.

- (a) The combined surface area of all solar panels shall be 750 square feet or less.
- (b) All solar panels and Solar System Appurtenances shall be located a minimum of 100 feet from all lot lines and the street line.
- (c) All solar panels and Solar System Appurtenances that are located less than 150 feet from any lot line shall be screened from view from adjacent properties and the street by an all-season landscape buffer.

11. Visual impact, mitigation. The Applicant shall present site drawings and other material to demonstrate the visual impact of the Solar Energy System when viewed from adjacent properties and streets. Visual mitigation may include demonstration of the following:

- (a) Roof-mounted systems.
 - (1) That the visual impact(s) of the system is (are) mitigated by distance from point of view of nearby properties or streets, and/or
 - (2) That the system is designed as an integral part of the architecture of the roof or is reasonably screened from view due to concealment by architectural treatment of the roof (e.g., intervening parapet or gables) or by existing topography and/or landscaping.
 - (b) Ground-mounted systems.
 - (1) That the system is adequately screened from view due to the presence of existing topography and/or vegetation that provides an adequate visual buffer,
 - (2) That the Applicant will screen the proposed system adequately from view through introduced landscaping, and/or
 - (3) That the visual impact(s) of the system is (are) mitigated by distance from point of view of nearby properties or streets.
12. Impervious Surface. All at Grade or above Grade features and facilities relating to ground-mounted Solar Energy Systems, including Solar System Appurtenances, shall be considered Impervious Surface and shall be subject to all applicable stormwater management regulations for introduction of additional Impervious Surface.
13. Lot Coverage. The footprint of a ground-mounted Solar Energy System shall be calculated as part of the overall Lot Coverage.
14. Removal of trees. The removal of trees to locate a Solar Energy System and/or increase the efficiency of the system shall be in compliance with Section 162-1503, Natural Resource Protection Standards.
15. Safety and security of Principal Solar Energy Systems.
- (a) Safety warnings. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fences, pursuant to applicable state and federal safety warning standards.
 - (b) Security. All access doors to electrical equipment for Principal Solar Energy Systems shall be locked or fenced, as appropriate, to prevent entry by non-authorized personnel.
16. Abandonment or disrepair. If the Solar Energy System is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove the

Solar Energy System or return it to proper maintenance within six (6) months from the date the system enters such a state or notification from the Township.

17. Decommissioning. If a ground-mounted Solar Energy System is ever removed, any earth disturbance as a result of the removal shall be graded and reseeded to the satisfaction of the Township. If required by the Pennsbury Township Land Disturbance Ordinance of 1982, as amended, a land disturbance permit shall be applied for and obtained from the Township.

Section 4. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall remain in full force and effect.

Section 5. This Ordinance shall be effective five days from enactment.

ENACTED AND ORDAINED this 20 day of July, 2022.

BOARD OF SUPERVISORS
PENNSBURY TOWNSHIP


Aaron McIntyre, Chairman


Wendell Fenton, Vice Chairman

Daniel Boyle, Member

ATTEST:


Kathleen Howley, Secretary