

PENNSBURY TOWNSHIP

702 Baltimore Pike, Chadds Ford, PA 19317

Phone: 610-388-1790 Fax: 610-388-6036

Email: Codes@pennsbury.pa.us

Office Use Only

Appeal #: _____

Date Received: _____

Fee: _____ Paid: _____

Hearing Date: _____

Amended Date: _____

CONDITIONAL USE HEARING APPLICATION for Solar Energy Systems

(Residential and Commercial)

Provide **one** digital copy in addition to **five** copies of the application and all attachments. Attachments must include: plans drawn to scale and provide location, lot size, improvement/alteration size; a copy of the Applicant's deed, lease, or agreement of sale, Ground or Roof Mounted Checklist; and any other documents required by The Township Supervisors. The Township Supervisors will schedule a hearing within 60 days of the Application submittal date. If the Application is withdrawn and amended the hearing will be scheduled based on the amended Application date.

Property Owner: _____

Address: _____

Phone/Fax: _____ Email: _____

Applicant (if different from Property Owner): _____

Address: _____

Phone/Fax: _____ Email: _____

Relationship to Property Owner: _____

Attorney: _____

Address: _____

Phone/Fax: _____ Email: _____

Contractor: _____

Address: _____

Phone/Fax: _____ Email: _____

Architect/Engineer: _____

Address: _____

Phone/Fax: _____ Email: _____

Property Information:

Address: _____

Subdivision: _____

Tax Parcel or UPI #: _____

Zoning District: _____

Historic Structure: Yes No

Lot Size: _____

Approx. Cost of Project: _____

Has Property ever had a prior application filed with The Township? Yes No

Present Use:

Proposed Use:

Reason For Application:

Article _____ Section _____ Subsection _____

On the basis of:

Describe in detail the grounds for the application. (Attach additional sheets if necessary.)

I hereby certify that I have read this application and state that the above and all attachments are correct. I agree to comply with all provisions of the Pennsbury Township Zoning Ordinance, Subdivision Ordinance, and all other pertinent ordinances and regulations of Pennsbury Township.

Property Owner or Applicant’s Signature: _____ Date: _____

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I hereby withdraw the Conditional Use Hearing Application

Property Owner or Applicant’s Signature: _____ Date: _____

Township Signature: _____ Date: _____

ADDITIONAL SHEET IF NECESSARY

Procedure for Conditional Use Application

- A. Site Visit
 - 1. Planning Commission (PC) Chair will schedule a site visit with the property owner/agent.
 - 2. Complete Conditional Use (CU) Packet shall be received by the Township Manager at least five (5) days before site visit. If this deadline is not met:
 - a. Site visit will be postponed or canceled.
 - b. CU will be removed from the PC's agenda.
- B. Planning Commission Meeting
 - 1. Township Manager notifies property owner of the date, time, and location of the PC meeting during which the CU will be on the agenda.
 - 2. The CU will be presented to the PC.
 - 3. The PC will discuss and make a recommendation to the Board of Supervisors.
- C. Board of Supervisors (BoS) Meeting
 - 1. Township Manager notifies property owner of the date, time, and location of the BoS meeting during which the CU will be on the agenda.
 - 2. The CU will be presented to the BoS.
 - 3. The BoS will discuss and make a decision.

Roof-Mounted Solar Energy System Checklist

This Checklist covers the requirements for a Conditional Use Permit application for a Roof-Mounted Solar Energy System as per the Pennsbury Zoning Ordinance, Section 162-2045.

- ☐ If a Roof-Mounted Solar Energy System is located within 500 feet of a Class 1 or Class 2 Historic Resource, a Complete Building Permit Packet has been submitted to the Historical Commission for review and recommendations.
- ☐ Solar panels and Solar System Appurtenances are not located on any part of the roof facing a street or visible from the street adjacent to that property.
- ☐ The removing of trees to locate and/or increase the efficiency of a Roof-Mounted Solar Energy System is in compliance with Section 162-1503.

A Complete Building Permit Packet shall consist of but is not limited to the following:

- ☐ Completed and signed Roof-Mounted Solar Energy System Checklist
- ☐ Applicable manufacturer specifications
- ☐ Structural Certification from structural engineer stating that the roof can handle the additional loads imposed by the roof-mounted solar array
- ☐ Copy of PECO letter approving grid interconnection, if applicable

Scaled plans/details shall consist of but are not limited to the following:

- ☐ Property lines
- ☐ Setbacks
 - Location of:
 - ☐ Roof-Mounted Solar Energy System
 - ☐ Structures - buildings, driveways, sidewalks, walls, etc.
- ☐ Design specifications
- ☐ Zoning District
 - Solar panels:
 - ☐ Total number
 - ☐ Dimensions
 - ☐ Locations
- ☐ Area of property
- ☐ Attachments of panels and Solar System Appurtances to roof and walls

Ground-Mounted Solar Energy System Checklist

This Checklist covers the requirements for a Conditional Use (CU) application for a Ground-Mounted Solar Energy System as per the Pennsbury Zoning Ordinance, Section 162-2045.

☐ If a Ground-Mounted Solar Energy System is located within 500 feet of a Class 1 or Class 2 Historic Resource, a Complete CU Packet has been submitted to the Historical Commission for review and recommendations.

☐ Any land disturbance for a Ground-Mounted Solar Energy Systems shall be in compliance with Section 162-1503.

☐ The removing of trees to locate and/or increase the efficiency of a Ground Mounted Solar Energy System is in compliance with Section 162-1503.

☐ A letter, including application fee, requesting a CU for a Ground-Mounted Solar Energy System signed by the property owner has been submitted to Pennsbury Township Manager.

A Complete CU Packet shall consist of but is not limited to the following:

- ☐ Completed and signed Checklist for Conditional Use Application for Ground-Mounted Solar Energy System
- ☐ Applicable manufacturer specifications
- ☐ Copy of Applicant letter requesting CU
- ☐ Copy of PECO letter approving grid interconnection, if applicable

Scaled plans/details shall consist of but are not limited to the following:

- ☐ Property lines
- ☐ Setbacks
 - Location of:
 - ☐ Ground-Mounted Solar Energy System
 - ☐ Structures - buildings, driveways, sidewalks, walls, etc.
- ☐ Design specifications
- ☐ Zoning District
 - Solar panels:
 - ☐ Total number
 - ☐ Dimensions
 - ☐ Locations
- ☐ Topography survey, including contour lines, showing where the proposed system is to be located
- ☐ Lot Coverage (Impervious area)
 - ☐ Actual
 - ☐ Allowable
- ☐ Area of property

Elevation views - front and side

- ☐ Support(s)
- ☐ Panel
- ☐ Dimensions
- ☐ Angle of panels

Site drawings and/or other materials detailing the Ground-Mounted Solar Energy System is adequately screened from view by:

- ☐ Existing topography, vegetation, and/or fencing
- ☐ New landscaping
- ☐ Distance from nearby properties and streets

Chapter 162. Zoning

Article XX. Supplemental Uses

§ 162-2045. Solar energy systems.

[Amended 7-20-2022 by Ord. No. 2022-07-20-1]

- 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 nonrenewable 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 § **162-2045** and are permitted by right and without a permit in all zoning districts:
 - (1) Solar panels not exceeding two 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 Subsection **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

- (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 § **162-2045** and any other applicable provisions of this chapter. In addition:
 - (a) All applications for roof-mounted systems shall:
 - [1] 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
 - [2] Be submitted to the Fire Code Official 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 § **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 § **162-2045D(10)(b)** and **(c)** below. The

maximum height of a ground-mounted solar energy system and all solar system appurtenances shall be 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 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 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 § **162-1503**, Natural resource protection.
- (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 nonauthorized 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 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 Chapter **94**, Land Disturbance, as amended, a land disturbance permit shall be applied for and obtained from the Township.