

**WEST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 11-2021

AN ORDINANCE OF WEST GOSHEN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE WEST GOSHEN TOWNSHIP CODE, CHAPTER 84 TITLED, "ZONING" SECTION 84-57.17 TITLED "SOLAR ENERGY SYSTEMS" TO AMEND VARIOUS REGULATIONS TO ENCOURAGE THE USE OF SOLAR ENERGY SYSTEMS.

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Board of Supervisors of West Goshen Township that Chapter 84 of the West Goshen Township Code, titled, "Zoning", is hereby amended as follows:

SECTION 1. Section 84-57.17 titled, "Solar Energy Systems" shall be amended in its entirety to state as follows:

"§ 84-57.17. Solar energy systems.

A. Solar energy systems as an accessory use:

- (1) Roof-mounted solar energy systems in all zoning districts and ground-mounted solar energy systems on properties with single family dwellings shall be permitted as an accessory use by right subject to compliance with all applicable requirements in this § 84-57.17 and upon the issuance of a zoning permit pursuant to this chapter and a grading permit pursuant to Chapter 69 of the West Goshen Township Code.
- (2) Ground-mounted solar energy systems shall be permitted as an accessory use to all uses in all other zoning districts by special exception subject to compliance with all applicable requirements in this § 84-57.17 and upon the issuance of a zoning permit pursuant to this chapter and a grading permit pursuant to Chapter 69 of the West Goshen Township Code.
- (3) Ground-mounted solar energy systems which are built as an accessory use to a commercial use shall require land development approval.
- (4) A solar energy system built as an accessory use may be rooftop mounted or ground mounted subject to the applicable criteria in this § 84-57.17.

- (5) Rooftop-mounted solar arrays shall comply with the following standards:
- (a) The solar panels shall not be located so as to exceed a height of three feet above the roof areas to which they are mounted.
 - (b) No portion of a rooftop solar array attached to a pitched roof shall extend above the ridge line of the pitched roof.
 - (c) A roof-mounted solar energy system shall not extend beyond the existing overhangs of the structure to which is attached.
- (6) Ground-mounted solar arrays shall comply with the following standards:
- (a) All ground arrays shall comply with the setback requirements in the applicable zoning district regulations.
 - (b) Ground arrays shall not be permitted in a front yard or between the front facade of the principal building and the street line.
 - (c) Ground arrays shall not exceed a height of 12 feet.
 - (d) Ground arrays shall be screened from view from adjacent street(s) upon which the property has frontage and from adjacent properties. Such screening shall screen the supporting infrastructure for the panels and control equipment; the screening shall not be required to screen the solar panels, as reception of sunlight is essential for proper operation thereof.
- (7) All rooftop-mounted and ground-mounted solar arrays shall also conform to the following additional requirements:
- (a) The design and installation of solar energy systems shall conform to applicable industry standards, including those of ANSI, Underwriters Laboratories (UL), International Standards Organization (ISO) and ASTM, as applicable, and shall comply with applicable building code and fire and safety requirements. The applicant shall submit manufacturer's specifications as part of the application for the building permit when accessory to a single-family dwelling or as part of the application for special exception when accessory to all other uses.
 - (b) The applicant shall demonstrate that the solar energy system shall be designed and located in order to prevent reflective glare from reaching adjacent properties or streets.

- (c) No aerial wiring system shall be employed in transmitting energy generated by a solar energy system. All exterior electrical and/or plumbing lines serving ground-mounted solar energy systems shall be buried below the surface of the ground and placed in a conduit.
- (d) The area of a ground-mounted solar energy system shall not be calculated as building coverage and shall be considered impervious. The area of a ground-mounted solar energy system shall be calculated as the dimension of the footprint of the cumulative solar panels.
- (e) Solar energy systems in residential zones that include a ground-mounted system and that are built as an accessory use shall not generate in excess of 125% of the estimated energy need of the principal use of the property. The energy generated in excess of the requirements of the principal use of the property may be purchased or acquired by a public utility in accordance with all applicable laws and government regulations.
- (f) Solar energy systems shall comply with the area and bulk regulations of the underlying zoning district.
- (g) A solar energy system shall be located to ensure solar access without reliance on adjacent properties.

B. Solar energy systems as a principal use.

- (1) Ground-mounted solar energy systems shall be permitted as a principal use in all Commercial and Industrial Districts, the Planned Office Park District, the Multipurpose District, the M-S Medical Services District, and the MCX Municipal Complex District by conditional use of the Board of Supervisors subject to compliance with all applicable regulations in § 84-57.17.A and B.
- (2) Safety measures. The solar energy system shall be enclosed by a fence, barrier or other appropriate means to prevent or restrict unauthorized persons or vehicles from entering the property. The specifications and details of the fence or barrier shall be approved by the Board as part of the conditional use approval. Clearly visible warning signs shall be placed on the fence, barrier or at the perimeter of the property to inform individuals of potential voltage hazards.

- (3) Screening. Each solar energy system shall be screened by a buffer yard to create a continuous visual screen between the facility and a person standing at ground level on an adjacent lot. Such buffer yard shall be comprised of fencing or landscaping or some combination thereof and shall comply with the provisions in § 84-55A.
- (4) Abandonment. The following requirements shall apply and shall be a condition of approval of a conditional use for a solar energy system:
- (a) A solar energy system that is out of service for a continuous twelve-month period will be deemed to have been abandoned.
 - (b) The Zoning Officer may issue a notice of abandonment to the owner, to be sent by regular mail and certified mail, return receipt requested, at the address of record as set forth on the tax duplicate. The owner shall have the right to appeal from such notice to the Zoning Hearing Board and provide evidence to prove that the use was not abandoned.
 - (c) Any abandoned system shall be removed at the owner's sole expense within six months after the owner receives a notice of abandonment or, in the event of an appeal, within six months after the entry of a final order by either the Zoning Hearing Board or by a reviewing court, as the case may be. Failure to comply with this requirement shall constitute a violation of this chapter subjecting the property owner to the remedies and penalties as set forth in Article XVI of this chapter.
 - (d) In granting a conditional use for a solar energy system, the Board may impose a requirement that the property owner post financial security with the Township in an amount sufficient to cover the cost of removal of the solar energy system in the event of abandonment.
- (5) Vehicular access. Each solar energy system shall be provided with a means of vehicular access to and from a public or private road.
- (6) Land development. The applicant shall obtain land development approval for the solar energy system.”

SECTION 2. SEVERABILITY. If any provision, sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent

of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

SECTION 3. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective five (5) days following the enactment as by law provided.

ENACTED AND ORDAINED this 20th day of July, 2021.

ATTEST:

**BOARD OF SUPERVISORS
WEST GOSHEN TOWNSHIP**

Casey LaLonde, Secretary

BY: _____
Shaun Walsh, Chair

Ashley Gagné, Vice-Chair

Robin Stuntebeck, Member

John Hellmann, Chair

Hugh J. Purnell, Jr., Member