

**TOWNSHIP OF NETHER PROVIDENCE
DELAWARE COUNTY PENNSYLVANIA**

ORDINANCE NO. 855 OF 2023

AN ORDINANCE OF THE TOWNSHIP OF NETHER PROVIDENCE, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF NETHER PROVIDENCE TOWNSHIP TO RECOGNIZE THE NEED FOR ENERGY PRODUCED BY SOLAR POWER, AND TO ESTABLISH RULES AND REGULATIONS FOR IMPLEMENTATION AND LOCATION OF SOLAR POWER INFRASTRUCTURE.

WHEREAS the Board of Commissioners recognizes the need to allow for solar powered energy production, but also recognizes the need to regulate and control reasonable development of this form of energy production, legislation needs to be created to accomplish both of these purposes. There are currently no rules governing the implementation of solar power infrastructure, so the following rules and regulations will be implemented.

SECTION 1. Amendments to Zoning Code regarding Solar Arrays.

- A) Section 300-1 of the Township of Nether Providence Zoning Code, entitled "DEFINITIONS AND WORD USAGE" is hereby amended by adding the following new definitions:

SOLAR PANEL: That part or portion of a Solar Energy System containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and cooling, and/or for electricity.

SOLAR ARRAY: A grouping of multiple solar panels with the purpose of harvesting solar energy.

ROOF MOUNTED SOLAR ARRAY: A solar system that has solar panels mounted on the roof of a principal or accessory building.

GROUND MOUNTED SOLAR ARRAY: A solar energy system with solar panels that are secured to a rack or other structure that is not mounted on a principal or accessory building.

- B) Section 300-138.2 (A) of the Township of Nether Providence Zoning Code, entitled "Requirement for Zoning Permit" is hereby amended by adding the following new subsection (4), and renumbering existing subsection (4) as subsection (5):

"(4) A zoning permit shall be required for the construction or installation of any roof mounted solar array or ground mounted solar array.

- C) Amendment of the Township of Nether Providence Zoning Code by adding new Article XXV entitled "SOLAR ARRAY SYSTEMS" to read as follows:

1) GROUND MOUNTED SOLAR ARRAYS- RULES AND REGULATIONS

A) CLASSIFICATION OF A GROUND MOUNTED SOLAR ARRAY

- 1) A ground mounted solar array shall not be considered an accessory structure for purposes of Section 300-129(E) (limiting the number of accessory structures). Requirements for an accessory structure.

- 2) A ground mounted solar array shall not be subject to the setback requirements of Section 300-129, but instead must comply with the following bulk and area requirements.

B) BULK AND AREA REQUIREMENTS FOR GROUND MOUNTED SOLAR ARRAYS

- 1) A ground mounted solar array shall not be located in front of the front wall of the principal structure on any property.
- 2) A ground mounted solar array may be located in the side yard behind the front wall of the house, but subject to the underlying side yard setbacks for the applicable zoning district.
- 3) A ground mounted solar array may be located 5 feet from the side lot line or 5 feet from the rear lot line if behind the rear wall of the principal structure on the property.
- 4) A ground mounted solar array shall have a footprint no greater than 5% of the lot size but in no event shall the footprint exceed 600 square feet.
- 5) The height of a ground mounted solar array shall not exceed 6 feet above grade.

C) GROUND COVER CLASSIFICATION BELOW GROUND MOUNTED SOLAR ARRAY

- 1) A ground mounted solar array shall be classified as pervious if constructed or installed on grass or mulch.
- 2) A ground mounted solar array shall be classified as impervious if constructed or installed on asphalt, concrete, or stone, unless stone is defined as un-compactable (such as type #57) and not subject to vehicular traffic. If impervious, the new impervious area counts toward overall impervious coverage of other site features and must comply with Zoning.

D) STRUCTURAL INTEGRITY

- 1) Any solar array must be anchored or ballasted to be able to withstand wind loads.

E) UTILITY FEED

- 1) Any solar array power feed must be in conduit underground.
- 2) An electrical disconnect must be available at the solar array.

2) ROOF MOUNTED SOLAR ARRAYS-RULES AND REGULATIONS

A) MAXIMUM HEIGHT

- 1) No higher than 6 feet above a flat roof
- 2) No higher than 2 feet above the ridge line of a sloping roof

B) STRUCTURAL INTEGRITY

- 1) Any solar array must be anchored or ballasted to be able to withstand wind loads.
- 2) Roof structure needs to be capable of additional load per Structural Chapter of the latest version of the IBC Building Code as in effect in the Commonwealth of Pennsylvania.

C) LOCATION

- 1) A minimum of a 3-foot-wide pathway around any solar array must be provided around all roof edges, except the ridge.

D) AESTHETICS

- 1) No equipment other than panels and conduits can be visible from the street.

3) PERMITS

- 1) No construction can take place for either a ground mounted or a roof mounted solar array until a Solar Panel Permit is obtained from the Township.
- 2) In the event this is a ground mounted array, a scaled plot plan must be provided as a part of the application, indicating all required dimensions to prove Zoning compliance.

Section 2: Severability: The provisions of this Ordinance are severable, and if any sections, sentences, clauses, parts or provisions thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Township Board of Commissioners that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional, sections, sentences, clauses, parts, or provisions had not been included therein.

Section 3: Repealer: Any ordinance and or parts of ordinances that are inconsistent herewith are hereby repealed.

Section 4: Immediate Effect: This Ordinance shall take effect and be in force from and after its approval of this amendment.


ENACTED AND ORDAINED, by the Township of Nether Providence, Delaware County, Pennsylvania, this day of 30th November 2023.

TOWNSHIP OF NETHER
PROVIDENCE



Kaitlin McKenzie, President,
Board of Commissioners

ATTEST:



David Grady, Township Manager

