

UPPER HANOVER TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024-03

AN ORDINANCE AMENDING CHAPTER 500 ZONING,  
ARTICLE VIII GENERAL REGULATIONS OF THE UPPER  
HANOVER TOWNSHIP ZONING ORDINANCE OF 1977 TO  
PERMIT NONRESIDENTIAL SOLAR ENERGY SYSTEMS  
AS AN ACCESSORY USE.

WHEREAS, Upper Hanover Township is a Township of the Second Class, organized and existing under the laws of the Commonwealth of Pennsylvania;

WHEREAS, the Second Class Township Code authorizes the Board of Supervisors to make and adopt ordinances that are consistent with the Constitution and the laws of the Commonwealth that it deems necessary for the proper management and control of the Township and welfare of the Township and its citizens;

WHEREAS, the Board of Supervisors of Upper Hanover Township deems it to be in the best interest and the general welfare of the citizens and residents of the Township to amend the Township zoning ordinance by adding section 500-842 to permit nonresidential solar energy systems;

WHEREAS, the Board of Supervisors has met the procedural requirements of the Second Class Township Code, 53 P.S. § 65101, *et seq.*, the Pennsylvania Municipalities Planning Code ("MPC"), Act 247 of 1968, as reenacted and amended, and Article V of the Township zoning ordinance for the adoption of the proposed ordinance text amendment, including holding a public hearing.

**BE IT ORDAINED AND ADOPTED**, by the Board of Supervisors of Upper Hanover Township, Montgomery County, Pennsylvania, as follows:

**SECTION I:** Amendment pursuant to Article V, Chapter 500 ZONING of the code of the Township of Upper Hanover Township, Montgomery County, Pennsylvania.

**Article VIII, General Regulations** is amended by adding §500-842 *Nonresidential Solar Energy Systems*, which shall read as follows:

Solar energy systems are permitted as an accessory use on lots with a principal private utility or public utility use, to reduce the energy costs associated with utility operations in all zoning districts subject to the following criteria:

A. Building-mounted arrays are not permitted. Ground-mounted solar energy systems shall be permitted subject to these criteria:

(1) Setback.

(a) Ground-mounted solar energy systems shall be set back no less than:

- (i) 50' from any property line that abuts an existing non-residential use
- (ii) 50' from any abutting residential use or residentially zoned parcel where a berm of four feet in height is installed at that location; without a berm being installed, the setback is 100 feet.
- (iii) 50' from any public right-of-way; and
- (iv) 50' from any private right-of-way.

(b) Solar energy systems shall not encroach into any stormwater management basin..

(c) The area where the array is located shall be surrounded by a 6 foot high chain link fence with six inch clearing at the bottom to facilitate small animal movement.

(d) Existing ground contour lines shall not be reshaped and the installation shall focus on minimal earth disturbance (driven posts, helical anchors, *etc.*).

(e) Berms and/or stormwater facilities may be installed within required setbacks.

(2) Screening. All ground-mounted solar energy systems shall be located so that any glare or reflection is directed away or is buffered from adjoining properties, certified by a licensed engineer in a glare analysis report. Screening and landscaping shall be provided along all public roadways and along property lines that abut an existing residential use. Landscape screening will be installed a minimum 6' in height, regardless whether a berm is installed.

(3) Design. Installation shall comply with the Pennsylvania Uniform Construction Code and electrical components shall comply with all applicable electrical codes. No component of the system may exceed 12' in height measured from existing ground level. Back feed prevention and lightning grounding are required.

- (4) Applicant will cooperate with Township emergency services to develop an emergency response plan for the system.

B. Stormwater Management.

- (1) Stormwater management facilities shall be provided for the proposed solar energy system in accordance with the Upper Hanover Township Stormwater Management Ordinance as deemed reasonably necessary by the Township engineer. Stormwater running off the array panels shall be included in any stormwater analysis. In determining compliance with the ordinance, the engineer shall refer to the Pennsylvania Dept. of Environmental Protection publication, "Chapter 102 Permitting for Solar Panel Farm, Frequently Asked Questions, April 30, 2021 and any updates thereto, in conjunction with the stormwater ordinance and its definition of impervious coverage.

C. Operation and performance standards.

- (1) Solar energy systems shall be operated in compliance with all federal, state, and local laws and regulations.
- (2) Solar energy systems shall not be used to display advertising or decoration, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners, lights, or similar items. Manufacturer and equipment information, safety warnings, and ownership information may be displayed on solar energy system equipment provided such information complies with applicable sign regulations.

D. Decommissioning. The record owner of the property is responsible for decommissioning of the system within six months of the end of the useful life of the system or after a notice of violation that is not cured (after the exhaustion of all appeals thereof). Decommissioning includes the removal of solar panels, buildings, cabling, electrical components, and stormwater management facilities. Ground cover will be established over the restored area.

E. Land Development. The installation of a solar energy system shall be pursuant to a land development plan submitted in the ordinary course. Upon an initial presentation demonstrating compliance with the requirements of this ordinance, land development may be waived by the Board of Supervisors.

However, a stormwater management plan must in all instances be submitted for review and approval.

- F. Notice. A solar array applicant shall send notice of its application, simultaneously with filing, to all property owners of parcels any part of which are within 500 feet of any part of the parcel on which the array is proposed.

**SECTION II. REPEALER.**

These provisions shall be read *in pari materia* with the remainder of the zoning ordinance. In the event that any provision of the ordinance is inconsistent with the provisions herein, the provisions of this ordinance shall control.

**SECTION III. REVISIONS.**

The Upper Hanover Township Board of Supervisors reserves the right to modify, supplement, or amend its ordinances, including the provisions herein.

**SECTION IV. SEVERABILITY.**

In the event that any section, sentence, clause, phrase, or word of this ordinance shall be declared illegal, invalid, or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude, or otherwise foreclose enforcement of any of the remaining portions of this ordinance.

**SECTION V. EFFECTIVE DATE.**

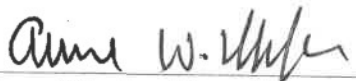
This amendment shall become effective five (5) days after the date of adoption.

**SECTION VI. FAILURE TO ENFORCE NOT A WAIVER.**


The failure of Upper Hanover Township to enforce any provision of this ordinance shall not constitute a waiver by the Township of its rights of future enforcement.

This Ordinance was duly **ORDAINED** and **ENACTED** this 14<sup>th</sup> day of May, 2024.

ATTEST:

  
Anne Klepfer, Twp. Secretary

UPPER HANOVER TOWNSHIP  
BOARD OF SUPERVISORS

  
Steven R. Rothenberger, Chairman