



UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE 2023-04

AN ORDINANCE OF THE TOWNSHIP OF UPPER UWCHLAN, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 77 OF THE UPPER UWCHLAN TOWNSHIP CODE TITLED "ENERGY SYSTEMS, ALTERNATIVE" TO AMEND SECTION 77-3 TITLED "PERMITTED AND PROHIBITED DISTRICT USES" AND SECTION 77-5 TITLED "GENERAL PROVISIONS".

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Uwchlan Township that Chapter 77 of the Upper Uwchlan Township Code, titled "Energy Systems, Alternative", shall be amended as follows:

SECTION 1. Section 77-3, titled, "Permitted and prohibited district uses" shall be amended to read as follows:

§ 77-3. Permitted and prohibited district uses.

Unless otherwise provided herein and subject to the regulations in this Chapter 77, solar energy systems, wind energy systems and geothermal energy systems shall be allowed as an accessory use in all zoning districts.

A. Solar and wind energy systems are specifically prohibited in the following areas:

- (1) All areas designated as public open space, whether general public or homeowners' association owned open space, or as specified in the Comprehensive Plan, or in third party conservation or agricultural preservation easements.
- (2) Wastewater reclamation areas.
- (3) Greenways, as designated in the Comprehensive Plan.
- (4) Riparian buffer areas.

B. Wind energy systems shall be allowed as follows:

- (1) Wind energy systems shall be prohibited in the C-1 Village District, the PI Planned Industrial/Office District and any historical districts designated by the Board of Supervisors in the Zoning Ordinance.
- (2) Wind energy systems shall be allowed in the C-3, LI- Limited Industrial, R-1, R-2, R-3 and R-4 Districts as an accessory use by conditional use of the Board of Supervisors subject to the criteria in § 77-7, Wind energy systems, of this chapter.

C. Geothermal systems are specifically prohibited in the following areas:

- (1) C-1 Village District and historical districts designated by the Board of Supervisors in the Zoning Ordinance.

SECTION 2. Section 77-5.A shall be amended as follows:

“§77-5.A. Alternative energy systems shall provide power for the principal use on the property whereon the system is located and limited by design to 125% of the historical peak power usage of the property, or 50 kW_e, whichever is less, not including electric vehicle charging capacity. Alternative energy systems shall not be for the principal use of generation of power for commercial purposes.”

SECTION 3. Section 77-5.D shall be amended as follows:

“§77-5.D. Systems may be installed in the side yard or rear yard on the property as defined in Chapter 200, Zoning, of the Upper Uwchlan Code. Solar systems may be installed on the roof facing the front yard.”

SECTION 4. Severability. If any 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 sentence, clause, section, or part thereof not been included herein.

SECTION 5. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 6. Effective Date. This Ordinance shall become effective five (5) days following the enactment as by law provided.

ENACTED AND ORDAINED this 16th day of October, 2023.

ATTEST:


UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS



Gwen A. Jonik, Secretary



Sandra M. D'Amico, Chair



Jennifer F. Baxter, Vice-Chair



Andrew P. Durkin, Member