

BOARD OF SUPERVISORS
WEST WHITELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 478

AN ORDINANCE AMENDING SECTION 325-44, "SOLAR ENERGY SYSTEMS," OF CHAPTER 325, "ZONING," OF THE WEST WHITELAND TOWNSHIP CODE OF ORDINANCES TO UPDATE VARIOUS PROVISIONS REGULATING SOLAR ENERGY SYSTEMS

BE IT HEREBY ENACTED AND ORDAINED by the Board of Supervisors of West Whiteland Township, Chester County, Commonwealth of Pennsylvania as follows:

Section 1. Paragraph A, "Classification of use," of Section 325-44 of Chapter 325, "Zoning," of the West Whiteland Township Code of Ordinances is hereby replaced with the following:

A. Purpose.

To provide a regulatory framework for the construction of Solar Energy Systems in the Township, subject to reasonable restrictions intended to preserve the public health, safety, and welfare and to be consistent with the character of the Township.

Section 2. Sub-sections (1), (2), (3), and (4) of Paragraph B, "Township review and approval," of Section 325-44 of Chapter 325, "Zoning," of the West Whiteland Township Code of Ordinances are hereby removed in their entirety and replaced with the following:

- (1) Solar Energy Systems are permitted as an accessory use by right in all zoning districts. A System shall be deemed an accessory use unless deemed a principal use, pursuant to §325-44.B(2), below. While the intent of a System as an accessory use is to provide for the energy needs of the property upon which it is located, the incidental sale of excess power shall not in itself be sufficient cause to deem a System to be a principal use.
- (2) A Solar Energy System shall be permitted as the principal use of a property when allowed by the Zoning District wherein the site is located. A Solar Energy System shall be deemed the principal use of a property when the System is intended to produce power solely or principally for sale, or when there is no other use of the property.
- (3) The installation of a solar energy system shall be deemed a land development under any one of the following conditions and shall therefore be subject to the review and approval process established by the Township Subdivision and Land Development Ordinance.¹ Land development

¹ Editor's Note: See Ch. 281, Subdivision and Land Development.

review and approval shall be in addition to any requirement for conditional use approval.

- (a) where the installation of the solar energy system requires grading of the property, pursuant to the definition of “land development” in §325-8, above, regardless of whether it is the principal use of the property;
- (b) where the installation of the solar energy system will result in additional impervious cover of two thousand (2,000) square feet or more, pursuant to the definition of “land development” in §325-8, above, and pursuant to the standard enumerated in §324-44.E(1), below, regardless of whether it is the principal use of the property.

Section 3. Sub-section (4) of Paragraph C, “General regulations,” of Section 325-44 of Chapter 325 “Zoning,” of the West Whiteland Township Code of Ordinances is hereby revised to read as follows:

In addition to other Township requirements, the individual or company responsible for installing the Solar Energy System shall be approved as an installer of such systems by the Pennsylvania Department of Environmental Protection.

Section 4. Sub-section (6) of Paragraph C, “General regulations,” of Section 325-44 of Chapter 325, “Zoning,” of the West Whiteland Township Code of Ordinances is hereby revised to remove the last sentence of that sub-section, which reads:

No component of a solar energy system shall be mounted upon another structure such that it extends beyond the footprint of that structure.

Section 5. Sub-section (8) of Paragraph C, “General regulations,” of Section 325-44 of Chapter 325, “Zoning,” of the West Whiteland Township Code of Ordinances is hereby deleted in its entirety and replaced with the following:

When a Solar Energy System is proposed for a property subject to additional regulation by an agency other than the Township, including but not limited to a homeowners’ association or a business park manager, it shall be the responsibility of the Applicant to determine whether the proposed System complies with the regulations of the said agency and to secure whatever approvals or permits may be required from said agency. The issuance of a Building Permit by the Township for the construction of a Solar Energy System shall not compel any such agency to approve the System, nor shall such issuance prevent such agency from enforcing their own regulations or imposing penalties pursuant to their own regulations.

Section 6. Sub-sections (2), (3), and (6) of Paragraph D, “Roof-mounted Solar Energy System,” of Section 325-44 of Chapter 325, “Zoning,” of the West Whiteland Township Code of Ordinances are hereby removed in their entirety and the remaining paragraphs are renumbered sequentially.

Section 7. Sub-section (1) of Paragraph E, "Ground-mounted Solar Energy System," of Section 325-44 of Chapter 325, "Zoning," of the West Whiteland Township Code of Ordinances is hereby revised to read as follows:

For the purposes of determining compliance with area and bulk regulations, a ground mounted system shall be deemed a type of "building." If the System is the principal use of the property, it shall be subject to the limitations on height and building coverage as well as the setback requirements established for buildings by the applicable district regulations. Where the System is an accessory use, the provisions for Accessory Buildings provided in §325-31 of this Chapter shall control. The impervious cover calculation shall include only the areas that are paved or otherwise sealed against infiltration; where the system consists of panels elevated above the ground such that stormwater may infiltrate below such panels, the panels shall not be deemed to create impervious cover, although they shall be included in the calculation of building coverage.

Section 8. Sub-section (3) of Paragraph E, "Ground-mounted Solar Energy System," of Section 325-44 of Chapter 325 "Zoning," of the West Whiteland Township Code of Ordinances is hereby revised to read as follows:

When installed as an accessory to a residential use, a ground-mounted system shall not be placed between the residence and any street abutting the property.

Section 9. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision 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.

Section 10. This Ordinance shall take effect and be in force five (5) days from the date of enactment.

ENACTED AND ORDAINED this 10th day of April, 2024.

BOARD of SUPERVISORS
WEST WHITELAND TOWNSHIP



Brian Dunn, Chair

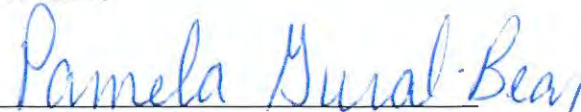


Rajesh Kumbhardare, Vice-Chair



Jo Ann Kelton, Supervisor

ATTEST:



Pamela Gural-Bear, Township Manager