

CHARTIERS TOWNSHIP
Washington County, Pennsylvania

Ordinance No. 419

**AN ORDINANCE OF THE TOWNSHIP OF CHARTIERS, WASHINGTON
COUNTY, PENNSYLVANIA PROVIDING FOR THE REGULATION FOR
THE CONSTRUCTION, OPERATION AND DECOMMISSIONING OF
SOLAR ELECTRIC ENERGY FACILITIES**

WHEREAS, the Board of Supervisors of the Township desires to amend Chapter 350 of the Chartiers Township Code, Zoning, to add regulations for Solar Energy System requirements; and

WHEREAS, the Chartiers Township Planning Commission has recommended that the zoning amendment be approved and that such change would be consistent with the Chartiers Township Comprehensive Plan; and

WHEREAS, the Chartiers Township Board of Supervisors has conducted a public hearing on the proposed zoning amendment; and

WHEREAS, the proposed zoning amendment has been reviewed by the Washington County Planning Commission; and

WHEREAS, the Chartiers Board of Supervisors has determined that the amendment will not be adverse to the interest and general welfare of residents of Chartiers Township.

NOW, THEREFORE, the Board of Supervisors of the Township of Chartiers hereby ordains and enacts as follows, incorporating the above recitals by reference:

SECTION 1: Amendment to Code.

Chapter 350 of the Chartiers Township Code, Zoning, is hereby amended as follows:
This Ordinance shall be hereafter known and cited as the “Chartiers Township Solar Energy Systems” Ordinance.

SECTION 2: Definitions.

§350-16 is amended to add the definitions as follows:

ACCESSORY SOLAR ENERGY SYSTEM: (often referred to as residential solar) An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof-mounted, solar arrays or modules, or solar-related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

APPLICANT: The individual or entity seeking approval for a solar energy system pursuant to this

Ordinance. The owner of the real property upon which the solar energy system shall be erected, as well as the Applicant, shall be responsible for compliance with this Ordinance.

PRINCIPAL BUILDING: A building or structure in which is conducted the principal use of the lot on which the building or structure is located.

PRINCIPAL SOLAR ENERGY SYSTEM: (often referred to as Solar Farm or Commercial Solar) An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal Solar Energy System consists of one (1) or more free-standing ground, or roof-mounted, solar collector devices, solar-related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers; substations; electrical infrastructure; transmission lines and other appurtenant structures.

SOLAR ENERGY: Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR ENERGY SYSTEM: A solar photovoltaic cell, module, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

1. **SOLAR ARRAY:** A grouping of multiple solar modules with the purpose of harvesting solar energy.
2. **SOLAR CELL:** The smallest basic solar electric device which generates electricity when exposed to light.
3. **SOLAR MODULE:** A grouping of solar cells with the purpose of harvesting solar energy.

SOLAR GRAZING (AGRIVOLTAICS): The practice of grazing livestock on solar farms. Sheep are the most common solar grazing animals, as they are the best-suited species. For the safety of low-mount solar arrays, goats, cows, pigs, and horses are not recommended.

SOLAR-RELATED EQUIPMENT: Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used or intended to be used for collection of solar energy.

SECTION 3. ACCESSORY SOLAR ENERGY SYSTEMS

Chartiers Township hereby declares that Accessory Solar Energy Systems is authorized by zoning permit in the Township, subject to the following prohibitions, conditions and standards:

1. Accessory Solar Energy Systems are a permitted use in all Zoning Districts subject to the following criteria:
 - a. The Solar Energy Systems shall conform with the setbacks for accessory structures in the applicable zoning district.
 - b. The Solar Energy System layout, design and installation shall conform to applicable industry regulations and with all applicable fire and life safety requirements.
 - c. All on-site utility, transmission lines less than 34.5 kV, and plumbing shall be placed underground to the greatest extent possible, and any that cannot be underground shall

be in conduit.

- d. The Solar Energy Systems shall be designed to use the energy created primarily for on-site use.
- e. All solar energy systems should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.
- f. All solar energy systems shall be situated to eliminate concentrated glare onto nearby structures or roadways. It is the applicant's burden to prove that glare produced does not have a significant adverse impact on adjacent properties.

2. Roof-Mounted and Wall-Mounted Accessory Solar Energy Systems:

- a. A roof-mounted or wall-mounted system may be located on a principal or accessory building.
- b. Solar energy systems mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for buildings within each of the applicable zoning districts.
- c. Wall-mounted systems shall comply with the building setbacks in the applicable zoning districts.
- d. Solar panels shall not extend above the peak of the pitch of the roof and shall not extend more than 6 feet above a flat roof.
- e. The owner shall provide evidence certified by an appropriately licensed professional that the roof is capable of supporting the load of the accessory solar energy system.

3. Ground-Mounted Accessory Solar Energy Systems:

- a. Setbacks.
 - i. The minimum setbacks from side and rear property lines shall be equivalent to the building setbacks in the applicable zoning district.
 - ii. A ground-mounted solar energy system shall not be located in the required front setback.
 - iii. Ground-mounted solar energy systems are prohibited in front yards.
- b. Freestanding ground-mounted solar energy system solar panels shall not exceed 15 feet in height above the ground elevation surrounding the systems.
- c. Lot coverage cannot exceed 15% of the total lot area.
- d. In accordance with Pennsylvania Department of Environmental Protection (PA DEP), the area beneath the ground mounted Solar Energy Systems is considered pervious cover such that panels are arranged to allow vegetation to grow beneath and between arrays. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the overall lot coverage requirement and subject to stormwater management.
- e. Ground-mounted solar energy system shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or

in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

- f. If a ground-mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground-mounted solar energy system shall be graded and returned to environmentally stable condition.

SECTION 4. Principal Solar Energy System

Principal Solar Energy Systems are subject to the following criteria:

1. Regulations Applicable to All Principal Solar Energy Systems:

- a. Principal Solar Energy Systems are a Conditional Use in A-1, C-1, C-2, I-1 Zoning Districts.
- b. Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the solar-energy system.
- c. An affidavit or similar evidence of agreement between the property owner and the solar-energy facility owner or operator demonstrating permission to apply for necessary permits for construction and operation of a solar-energy facility.
- d. All Principal Solar Energy System applications after the effective date of this ordinance shall be required to meet the terms and conditions of Township Code, including but not limited to § 293 Stormwater Management and § 305 Subdivision and Land Development.
- e. Principal Solar Energy Systems constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to any existing Principal Solar Energy System, whether or not existing prior to the effective date of this Section that expands the Principal Solar Energy System shall require approval under this Ordinance. Routine maintenance or replacements do not require a permit.
- f. The Principal Solar Energy System layout, design and installation shall conform to applicable industry regulations, and with all other applicable fire and life safety requirements.

- g. All on-site utility transmission lines less than 34.5 kV and plumbing shall be placed underground to the greatest extent feasible, any that are not able to be placed underground shall be in a conduit.
 - h. The owner of a Principal Solar Energy System shall provide the Township written confirmation that the public utility company to which the Principal Solar Energy System will be connected has been informed of the customer's intent to install a grid connected system.
 - i. If a Principal Solar Energy System is being used as an accessory use for commercial or industrial activity on another property, then the Township shall be informed of the intent of the Principal Solar Energy System.
 - j. Signage shall comply with the prevailing sign regulations.
 - k. All Principal Solar Energy Systems shall be situated to eliminate concentrated glare onto nearby structures or roadways.
 - l. All solar energy systems should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.
 - m. The Principal Solar Energy System owner and/or operator shall maintain a phone number throughout the life of the project for the Chartiers Township Code Enforcement Officer to contact with inquiries and verified complaints. The Principal Solar Energy System owner and/or operator shall make reasonable efforts to respond to the inquiries and complaints. Emergency contact name, with knowledge of the system, must be provided to Chartiers Township with updates due to employee advancement or turnover.
2. Ground-Mounted Principal Solar Energy System:
- a. Minimum Lot Size
The Principal Solar Energy System shall meet the lot size requirements of the applicable zoning district.
 - b. Setbacks
 - i. Principal Solar Energy Systems shall comply with the following setback requirements:
 - (1) building setbacks of the applicable zoning districts, except:
 - (2) Adjacent to any residential district (R-1, R-2) or parcel with an existing residential structure, the solar panels must follow a 50 foot setback while the fencing shall comply with the setbacks of the underlying zoning district.
 - c. Height

- i. Ground-mounted Principal Solar Energy System solar panels shall not exceed 15 feet in height.
 - ii. All other components shall comply with the underlying zoning district maximum height requirements.
- d. Stormwater Management
 - i. In accordance with PA DEP, the area beneath the ground-mounted Principal Solar Energy System is considered pervious cover such that panels are arranged to allow vegetation to grow beneath and between arrays. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the overall lot coverage requirement.
 - ii. Gravel of paved access roads servicing the Principal Solar Energy System shall be considered impervious coverage and calculated as part of the impervious coverage limitations.
- e. Screening and Vegetation
 - i. Street screening shall consist of slat fencing or shrubs, 6' - 8' high within 2 years of planting, shall be planted every 15 feet of property abutting a public right-of-way. Shrubs shall be planted adjacent to or outside of the road right-of-way. Solar perimeter fence shall be placed between shrubs and solar panels. Reasonable modifications to these requirements may be requested and recommended by the Planning Commission.
 - ii. Residential buffer screening may be slat fencing or a row of evergreen conifers or broadleaf evergreens spaced in accordance with the chosen species to achieve a continuous visual barrier reaching 6-8' in height within 2 years of planting. Screening may be a combination of plantings and/or structures with prior approval by the Township. Reasonable modifications to these requirements may be requested and recommended by the Planning Commission.
 - iii. Perimeter fence shall be placed between shrubs and solar panels.
 - iv. Unless agreed to by easement or right-of-way holder, ground mounted Principal Solar Energy System shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

- v. Vegetated areas shall not be subject to chemical fertilization or herbicide/pesticides applications, except for those applications necessary to establish the vegetative cover or to prevent invasive species in accordance with an approved Erosion and Sediment Control Plan.
 - f. Security
 - i. In accordance with NEC, all ground-mounted Principal Solar Energy Systems shall be completely enclosed by fencing with locking gate. Current NEC code requires a minimum six (6) foot high fence with barbed wire or a 7' high fence.
 - ii. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the Principal Solar Energy System informing individuals of potential voltage hazards.
 - g. Access drives to solar inverter stations are required to allow for maintenance and emergency management vehicles. A recommended minimum cartway width is 12'.
 - h. If a ground-mounted Principal Solar Energy System is removed, any earth disturbance as a result of the removal of the ground-mounted solar energy system must be returned to an environmentally stable condition.
3. Solar Grazing
- a. Provide water well for sheep if public water or reliable on-lot water (stream or pond) is not available.
 - b. Seed fenced area with grazing friendly seed mix.
 - c. Where applicable, install fencing gates between adjoining solar parcels for moving sheep and line up gates between separately fenced sections of the arrays.
 - d. Allow your farmer to use portable low voltage energizers and fences OR consider installing low (3') interior fences to facilitate best grazing/vegetation management.
 - e. Consider installing pipe fences and gates around inverter/transformer pads.
4. Roof Mounted Principal Solar Energy System:
- a. The owner shall provide evidence certified by an appropriately licensed professional that the roof is capable of holding the load of the Principal Solar Energy System.
 - b. Principal Solar Energy Systems mounted on roofs of any building shall be subject to the maximum height regulations specified for buildings within the applicable zoning district.
5. Local Emergency Services

- a. The applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer fire department(s).
 - b. Emergency shut offs must be placed outside of the building and accessible to emergency personnel.
 - c. The applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the solar energy facility.
6. Decommissioning:
 - a. An affidavit, or similar evidence, signed by the property owner and the Principal Solar Energy System facility owner affirming a lease agreement with a decommissioning clause (or similar) and a Successors and Assigns clause. The decommissioning clause must provide sufficient funds to dismantle and remove the Principal Solar Energy System, including all solar-related equipment or appurtenances related thereto, including but not limited to buildings, electrical components, underground utilities, roads and other associated facilities from the property and restoration to an environmentally stable condition or substantially similar condition to the condition of the site prior to construction. The Successors & Assigns clause must bind those successors and assigns to the lease agreement.
 - b. The Principal Solar Energy System is required to post financial security in the amount of 115% of the cost estimate for decommissioning. The cost estimate, and related financial security must be reviewed and updated every 5 years. The Township will release the financial security upon site restoration acceptable to the Township.
 - c. The Principal Solar Energy System owner is required to notify the Township immediately upon cessation or abandonment of the operation. The Principal Solar Energy System shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months and the owner has not initiated necessary remedial actions to return the Principal Solar Energy System to a generating state. If the Principal Solar Energy System owner fails to dismantle and/or remove the Principal Solar Energy System within twelve (12) months of cessation or abandonment, the Township may complete the decommissioning at the property owners expense.
7. As part of the conditional use process the Township Supervisors may impose other reasonable conditions and/or restrictions.

SECTION 5 – Administration

1) Applications

- a) Permit applications shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the solar energy system on the building or property, including property lines. Permits must be kept on the premises where the solar energy system is located.
- b) The permit shall be revoked if the solar energy system, whether new or preexisting, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the solar energy system not to be in conformity with this Ordinance. In the case of nonconformity caused by natural forces, the owner shall have a maximum of 90 days to initiate necessary remedial action to bring system back in conformance with the ordinance.
- c) The solar energy system must be properly maintained and be kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare.
- d) For Principal Solar Energy Systems, Conditional Use approval is required prior to obtaining Land Development Plan approval. The Conditional Use approval and Land Development Plan processes can be concurrent. All necessary stormwater plan approval, Erosion and Sedimentation (E & S) and National Pollutant Discharge Elimination Systems (NPDES) permits must be approved prior to receiving final approval of the Land Development Plan. An approved Land Development plan is required for application for a Zoning Permit.
- e) Accessory solar energy systems for single-family residential use are exempt from the Land Development Process.
- f) Applicant must obtain a building permit and electrical permit as well.

SECTION 6. Severability

If any section of this Ordinance is found to be invalid or unenforceable by a Court of competent jurisdiction such a finding shall not affect the validity or enforceability of any remaining part of this Ordinance.

SECTION 7. Repealer.

All other Ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

SECTION 8. Effective Date.

This Ordinance shall take effect in accordance with applicable law.

ORDAINED and ENACTED into law by the Board of Supervisors of Chartiers Township, Washington County, Pennsylvania, the _____ day of _____, 2026.

TOWNSHIP OF CHARTIERS

ATTEST:

Harlan Shober, Chairman

Frank Wise, Secretary

Bronwyn Kolovich, Vice Chairman