

**LOWER OXFORD TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 1-2012**

**AN ORDINANCE AMENDING THE LOWER OXFORD  
TOWNSHIP ZONING ORDINANCE OF 1970 AS AMENDED**

BE IT AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Lower Oxford, Chester County, Pennsylvania that the Lower Oxford Township Zoning Ordinance of 1970 as amended shall be and hereby is amended as follows:

§ 200 – Definitions.

**Add:**

HEIGHT, WIND TURBINE - the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

SOLAR ENERGY SYSTEM - any solar collector or any other solar energy device, or any structural design feature, mounted on a building or on the ground and whose primary purpose is to provide for the collection, storage and distribution of solar energy for heating, cooling or electricity.

SOLAR ENERGY FACILITY-LARGE SCALE - an electric generating facility, whose main purpose is to generate and supply electricity and consists of one or more solar energy systems and other accessory structures and buildings, including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. Such facilities shall not include solar energy systems meant for residential or agricultural use.

SOLAR ENERGY SYSTEM-RESIDENTIAL AND AGRICULTURE - a solar collector or energy device in accordance with the definition in this Ordinance which is used solely to generate electricity for the residence on which it is located or for the agricultural operation on which it is located, except that electricity maybe sold back to the power company, and further any agricultural shall be treated as a commercial solar energy system and must comply with the regulations contained herein for that purpose if it produces more than 125% of its own electricity use.

WIND ENERGY SYSTEM, COMMERCIAL INDUSTRIAL SCALE - a wind energy system consisting of one or more wind turbines, towers and associated controls and conversion

electronics which has a rated capacity of greater than 100 kilowatts and which is designed and used solely to generate power to offset utility costs.

WIND ENERGY SYSTEM, SMALL - a wind energy conversion system consisting of a wind turbine, a tower, and associated control in conversion electronics which has a rated capacity of not more than 100 kilowatts and which is designed and used to generate power solely to serve to offset utility costs of a principal and/or accessory building located on the lot on which said device is situated.

WIND ENERGY CONVERSION SYSTEM - any device such as a wind charger, wind turbine or wind mill and/or other electric generation facility whose main purpose is to convert wind power into another form of energy such as electricity or heat for distribution, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmissions lines and other appurtenant structures and facilities.

WIND TURBINE - a wind energy system that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle, rotor, tower and pad transformer if any.

§ 400. Use Regulations.

11. Any of the following accessory uses shall be permitted:

**Add new:**

H. Solar energy system, residential and agricultural, subject to the regulations contained in §1202.16.

I. Wind energy system, small, subject to the regulations contained in §1202.17.

§401. Area and Bulk Regulations.

**Add new:**

- |    |   |  |
|----|---|--|
| L. | Solar energy systems which are accessory uses | Setback requirements as established for buildings and other principal structures contained in this Ordinance and not those for other accessory uses. |
| M. | Wind energy systems, small                    | Setback requirements established by this Ordinance for said systems.   |

§402 Design Standards.

2. For all other uses permitted in this district:

**Add new:**

- F. Regulations for solar energy systems contained in §1202.16.
- G. Regulations for wind energy systems contained in §1202.17.

§501. Area and Bulk Regulations.

3. Agricultural Use.

**Add new:**

H. Solar Energy Systems which are an accessory use have the same setback requirements as those setback requirements for buildings and other principal structures contained in this ordinance.

I. Small wind energy systems must have the same setback requirements as established by this ordinance for said system.

§501. Area and Bulk Regulations.

**Add to:**

5. . . ., however solar energy systems must meet the setback requirements for principal buildings and structures on the lot.

**Add new:**

6. Solar Energy Systems. All requirements for solar energy systems as an accessory use must meet the area and bulk regulations for principal uses on the residential lot.

7. Small Wind Energy Systems. All requirements for small wind energy systems as an accessory use must meet the area and bulk requirements contained in this Section and under §1202.17.

§502. Design Standards.

2. For all other uses permitted in this district:

**Add new:**

K. Solar energy systems in accordance with the regulations contained at §1202.16.

L. Small wind energy systems in accordance with the regulations contained at §1202.17.

§601 Area and Bulk Regulations.

**Add to:**

5. . . ., however solar energy systems on residential or agricultural lots must comply with the setbacks and other area and bulk requirements for principal buildings or structures on the lots.

**Add new:**

7. Small wind energy systems must be set back in accordance with the standards contained in this Ordinance at §1202.17.

§602. Design Standards.

2. For all other uses permitted in this district:

**Add new:**

K. Solar energy systems in accordance with the regulations contained within §1202.16.

L. Small wind energy systems in accordance with the regulations contained within §1202.17.

§700. Use Regulations.

**Add new:**

10. Solar energy system-residential or agricultural as accessory use subject to the requirements in §1202.16.

11. Small wind energy system-residential or agricultural as accessory use subject to the requirements in §1202.17.

**Add to:**

§701. Area and Bulk Regulations.

Solar energy systems-residential or agricultural for use solely by the subject property must comply with the setback and other area and bulk regulations for principal buildings or structures.

Small wind for use solely by the subject property must comply with the setback and other area and bulk regulations for principal buildings or structures.

§703. Additional Provisions for Mobile Home Parks.

**Add new:**

9. Solar Energy System. Solar energy systems for the park system must comply with all area and bulk regulations for the district and must comply with the regulations contained in §1202.16.

10. Small Wind Energy Systems. Small wind energy systems for the park system must comply with the area and bulk regulations for the district and must comply with regulations contained in §1202.17.

§704. Special Regulations.

**Add new:**

10. Solar Energy System. Solar energy system must comply with the regulations in §1202.16.

11. Small Wind Energy Systems. Small wind energy systems must comply with the regulations contained in §1202.17.

§800. Use Regulations.

12. Any of the following uses shall be permitted upon approval by the Board of Supervisors as a conditional use pursuant to the provisions of §§1411 through 1413 of Part 14. [Ord. 1-95]

**Add new:**

K. Solar Energy Facility – Large Scale.

L. Commercial Industrial Scale Wind Energy System.

§801. Area and Bulk Regulations.

**Add new:**

11. Solar energy facility large scale must comply with the regulations contained in §1202.16.

12. Commercial industrial scale wind energy systems must comply with the regulations contained in §1202.17.

§900. Use Regulations.

21. Any of the following uses shall be permitted upon approval by the Board of Supervisors as a conditional use pursuant to the provisions of §§1411 through 1413 of Part 14.

**Add new:**

L. Solar Energy Facility Large Scale. In accordance with the regulations contained in §1202.16.

M. Commercial Industrial Scale Wind Energy Systems. In accordance with the regulations contained in §1202.16.

§901. Area and Bulk Regulations.

**Add new:**

11. Solar electric facility large scale must meet the setback and other requirements for principal buildings and structures on the lot and must comply with the regulations contained in §1202.16 and §1422.

12. Wind energy systems, commercial industrial scale, must meet the setback requirements contained elsewhere in this Ordinance and at least meet the requirements of principal buildings and structures, and specifically in §1202.17 and §1423.

§911. Use Regulation.

18. Any of the following uses shall be permitted upon approval by the Board of Supervisors as a conditional use pursuant to the provisions of §§1411 through 1413 of this Chapter 27. If the use generates more sewage per acre than a single family dwelling situated on a one (1) acre lot then the (use) must utilize public water and sewage system.

**Add new:**

O. Solar energy facility large scale subject to the regulations contained in §1202.16 and §1422.

P. Commercial industrial scale wind energy systems subject to the regulations contained in §1202.16 and §1423.

§1000. Use Regulation.

9. Accessory uses:

**Add new:**

C. Solar Energy Facility Large Scale, specifically at §1202.16 and §1422.

D. Wind energy system, commercial industrial scale, must meet the setback requirements contained elsewhere in this Ordinance and at least meet the requirements of principal buildings and structures, and specifically in §1202.17 and §1423.

§1001. Area and Bulk Regulations.

**Add new:**

- |    |   |   |
|----|---|---|
| 3. | Solar energy  | Setback requirements as established for buildings and other principal structures contained in this Ordinance, and not those for other accessory uses. |
| 4. | Wind Energy Systems,<br>Commercial Industrial Scale | Setback requirements established by this Ordinance  |

§1202. Use Regulations.

**Add new:**

16. Regulations Controlling Solar Energy Systems.

A. Categories.

(1) Solar energy systems, residential and agricultural, which are used solely by the resident and/or agricultural operator.

(2) Solar energy systems, large scale, which are used by an electric generating facility.

B. Permitting Required.

(1) All solar energy systems whether residential and agricultural or commercial are required to secure a building permit and solar system permit from Lower Oxford Township.





(2) To the extent applicable, the solar energy systems shall comply with the Pennsylvania Uniform Construction Code as amended and the regulations adopted by the Department of Labor and industry as administered by Lower Oxford Township.

(3) The Township Code Officer shall, as a part of the permitting process, determine that the proposed size of the solar energy system is consistent with a system to be used only by the residential or agricultural use on the property for said systems.

(4) The Township Code Enforcement Officer and Building Inspector shall review the plans for a commercial solar energy system to insure compliance with all area and bulk regulations of the district as a part of the inspection.

C. Design Standards. The design of the solar energy system shall conform to all applicable industry standards.

D. Commercial Solar Array. The applicant for a solar energy system-commercial or industrial shall be required to substantiate the impact of the system on stormwater runoff. If the construction of the array will create runoff that is greater than that existing on the site then in that event stormwater calculations and a proposed plan for controlling the excess stormwater must be submitted to the Township Engineer for review. Any agricultural solar energy system which produces more than 25% in excess of its use on that property shall be treated as a commercial solar energy system and must comply with the regulations contained herein for that purpose.

17. Regulations Controlling Wind Energy System.

A. Wind energy systems where permitted, are subject to the following regulations:

(1) The maximum height of a small wind energy system shall be no taller than 160 feet in height.

(2) The minimum setback for small wind energy system shall be 1.1 times the total height which shall include the height of any structure that a tower or pole is mounted on if it is not mounted directly at ground level. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the neighboring property line.

(3) All applicable performance standards set forth in this Ordinance shall apply to and govern the use of small wind energy systems.

(4) Requirements for the decommissioning of a small wind energy system shall be as established elsewhere in this Ordinance.

**Add new:**

§1422. Solar Energy System - Large Scale as a Conditional Use.

1. The construction of a solar energy system for commercial purposes will be permitted as a conditional use shall be subject to the conditions contained in §1202.16 and the following conditions:

- A. Minimum area of 10 contiguous acres not divided by a road.
- B. Financial security satisfactory to Lower Oxford Township.
- C. Stormwater management controls. A stormwater management plan shall be submitted to the Township Engineer in accordance with §1202.16.
- D. Construction.
- E. The cost to remove the array should it cease to function.
- F. The cost to remove the array should it cease to function which shall be a part of the financial security identified above.

2. The applicant shall submit a narrative describing the facility which shall be reviewed by the Township Engineer and shall be detailed and technical in nature. The narrative shall include the generating capacity, the heights of the panels, the maintenance required, the noise level and any employees on the site. The applicant shall be required to submit a site plan and is required to submit a land development plan if the Township Engineer determines that stormwater management is needed for the site.

3. The applicant must have evidence that the array meets current UCC regulations.

4. The applicant must submit a lighting plan showing limited use of light. All lighting fixtures shall be shielded so that they light only the facility and do not impact neighboring property owners and are no higher than 20 feet.

5. The transmission lines for a facility to transmit the electricity shall be underground unless the applicant can show an extreme hardship in which case the Board of Supervisors may modify this condition.

6. All facilities shall have both warning signs and a fence at least 6 feet in high. The applicant shall show evidence of that fence construction at the time of conditional use application.

**Add new:**

§1423. Wind Energy System – Commercial Scale as a Conditional Use.

1. The construction of a wind energy system commercial industrial scale where permitted as a conditional use is subject to the conditions contained in §1202.17 and the following conditions:

- A. Minimum is of 10 contiguous acres not divided by a road.
- B. Financial security satisfactory to Lower Oxford Township.
- C. Stormwater management controls. A stormwater management plan and including calculations shall be submitted to the Township Engineer. If the calculations show stormwater runoff in excess of that previously on the site, a plan shall be submitted to control said runoff.
- D. The plan showing the construction and location of each tower or turbine.
- E. The cost to remove the array should it cease to function which shall be a part of the financial security identified above.

2. The applicant shall submit a narrative describing the facility which shall be used by the Township Engineer and shall be detailed and technical in nature. The narrative shall include the generating capacity, the height of the turbines, the maintenance required, the noise level and whether any employees shall remain on the site. The applicant shall be required to submit a site plan and a land development plan if the Township Engineer determines that stormwater management in accordance with regulations in this ordinance is required.

3. The applicant must present evidence that the array or that the facility meets current UCC Regulations.

4. The applicant must submit a lighting plan showing limited use of light. All lighting fixtures shall be shielded so that they light only the facility, do not impact neighboring property owners and are no higher than 20'. If other government regulations require lighting for the height of the turbines, such requirements must be submitted to the Township Engineer for review.

5. The transmission lines for a facility to transmit the electricity shall be underground unless the applicant can show an extreme hardship in which case the Board of Supervisors may modify this condition.

6. All such facilities shall have both warning signs and shall be fenced at least 6' in height. The applicant shall show evidence that of fence construction at the time of the Conditional Use Application.

Duly Enacted and Ordained this 13<sup>th</sup> day of June, 2012 by the Board of Supervisors of the Township of Lower Oxford, Chester County, Pennsylvania, in lawful sessions duly assembled.

Attest:

Sara Laganelli  
Sara Laganelli, Secretary

BOARD OF SUPERVISORS  
LOWER OXFORD TOWNSHIP

Kenneth L. Hershey  
Kenneth L. Hershey

W. Ronald Kepler  
W. Ronald Kepler

W. Ralph Cheek  
W. Ralph Cheek