**TOWNSHIP OF UPPER SALFORD**
**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2025-2**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF UPPER SALFORD, CHAPTER 27 ZONING, KNOWN AS THE UPPER SALFORD TOWNSHIP ZONING ORDINANCE, TO AMEND SECTION 27-285 TO ADD DEFINITIONS RELATING TO SOLAR ENERGY, TO AMEND SECTION 27-304 TO AMEND SECTION 27-304.A.1. AGRICULTURAL ACCESSORY STRUCTURES, AND TO AMEND SECTION 304.B.2. GENERAL FARMING, TO ADD A NEW USE A-18: ACCESSORY ROOF-MOUNTED SOLAR ENERGY SYSTEM, A NEW USE A-19: ACCESSORY GROUND-MOUNTED SOLAR ENERGY SYSTEM, AND TO ADD A NEW USE D-4, SOLAR ENERGY FACILITY**

**WHEREAS**, the Board of Supervisors of Upper Salford Township is empowered by Section 1506 of the Second Class Township Code, 53 P.S. §66506, Section 601 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601, and Section 27-2600 of the Upper Salford Township Code to enact and amend regulations to advance the health, safety, and welfare of the citizens of Upper Salford Township; and

**WHEREAS**, the Board of Supervisors after due consideration of the proposed ordinance at a duly advertised public hearing has determined that the health, safety, and general welfare of the residents of Upper Salford Township will be served by the following amendments.

**NOW, THEREFORE**, the Board of Supervisors of Upper Salford Township, Montgomery County, Commonwealth of Pennsylvania, hereby enacts and ordains as follows:

**SECTION 1**. The Upper Salford Township Code, Chapter 27, Zoning, Article II, Definitions, is hereby amended to add new definitions and shall be added as new §27-285, Solar Energy, to provide as follows:

**§27-285. SOLAR ENERGY**

The following terms will have the stated meaning when used in this Chapter 27, Zoning:

A. Solar Access - The ability of sunlight to shine on a property owner's land, or more specifically, the owner's solar energy facility or solar energy system, without the sunlight being blocked by structures, vegetation, or other obstructions on neighboring land.

B. Solar Easement - A legal agreement that protects access to sunlight, or solar access, on a property.

C. Solar Energy Facility – An alternative energy facility that consists of one or more ground mounted, free-standing, or building mounted or integrated solar collection devices, solar energy related equipment and other associated infrastructure with the primary intention of generating electricity or otherwise converting solar energy to a different form of energy for primarily off-site use in accordance with applicable law and regulation.

D. Solar Land Coverage - The land area that encompasses all components of the solar collection system including but not limited to mounting equipment, panels and ancillary components of the system. This definition does not include access roads or fencing and is not to be interpreted as a measurement of impervious surface as it may be defined in this Chapter 27.

E. Solar Module – A device containing one (1) or more receptive cells equal to or greater than two (2) square feet, the purpose of which is to convert solar energy into electrical or thermal energy.

F.Solar Glare - The effect produced by light reflecting from a solar module with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

SECTION 2. The Upper Salford Township Code, Chapter 27, Zoning, Article III, Use Regulations, §27-304, subsection A. Accessory Uses, Use A-1 Agricultural Accessory Uses, is hereby amended to provide as follows:

1. Use A-1: Agricultural Accessory Structures. Such use shall include a detached accessory building or structure for uses customarily incidental to those legally established on the subject property and in connection with uses permitted under §27-304.B.2., (General Farming) §27-304.B.3. (Intensive Agriculture), §27-304.B.4. (Nursery/Greenhouse) and §27-304.B.5. (Riding Academy/Stable), including greenhouses, silos, barns, run-in sheds, and roadside stands. Structures permitted under this Section shall not be improved or used in conjunction with any accessory dwelling unit, home occupational use, or any commercial or industrial use.

a. The maximum height of agricultural accessory structures erected or enlarged shall be as follows:

| Total Lot Area | Height Permitted |
|---|---|
| Less Than 10 Acres | Height as Permitted under Section 304.A.14 |
| Greater Than 10 acres | 35 feet |

b. Agricultural accessory structures located on lots exceeding ten acres, whether propose to be erected or to be enlarged, may exceed the height standards of §27-304.A.1.a, above, when permitted as a conditional use by the Board of Supervisors consistent with (i), and (ii) below:

i. Any structure permitted by conditional use shall be used only in connection with a permitted use on the subject property, under §27-304.B.2.,

(General Farming) §27-304.B.3. (Intensive Agriculture), §27-304.B.4. (Nursery/Greenhouse) and §27-304.B.5. (Riding Academy/Stable), and may include general storage (including residential accessory storage) not to exceed twenty (20%) percent of the floor area of the proposed or expanded structure. No structure permitted by conditional use shall be used in conjunction with any accessory dwelling unit, home occupational use, or any commercial uses, industrial uses, community services uses, office uses, or entertainment/recreational uses, as defined in §27-304 of this Ordinance.

ii. The Board of Supervisors may impose such other reasonable conditions and safeguards on the use of any structure permitted by conditional use under subsection i as may be deemed necessary to ensure the protection of adjacent uses from adverse impacts that may be determined from credible testimony, and to further the goals and objectives of the district in which the subject property is located.

**SECTION 3.** The Upper Salford Township Code, Chapter 27, Zoning, Article III, Use Regulations, §27-304, subsection A. Accessory Uses, is amended to add a new Use A-18: Accessory Roof-Mounted Solar Energy System, to provide as follows:

A-18 - Accessory Roof-Mounted Solar Energy System

An alternative energy system that consists of one or more building mounted or integrated solar collection devices and solar energy related equipment and other associated infrastructure with the primary intention of generating electricity or otherwise converting solar energy to a different form of energy and is an accessory use to a residential, industrial, institutional, agricultural, recreational, or

commercial use. Solar energy systems may generate energy in excess of the energy requirements of a property if it is to be sold back to a public utility in accordance with the law. Accessory roof-mounted solar energy systems shall be sized and intended to be used to generate electricity for the principal use to which it is accessory. Accessory roof-mounted solar energy systems are permitted by right in all zoning districts, under and subject to the following specific conditions:

a. For a system installed on a flat roof, the highest point of the facility shall be permitted to exceed the district's height limit of up to six (6) feet above the rooftop which it is attached.

b. When located on a sloped roof, solar energy systems under this use shall not exceed the highest point of the roof to which it is attached.

c. Setbacks for roof-mounted systems shall comply with the latest edition of the National Fire Protection Code and the Uniform Construction Code.

d. Installed solar modules shall be constructed with at least one anti-reflective layer to reduce reflectivity.

e. The definitions as set forth in §27-285, Solar Energy shall apply to this §27-304.A-18.

**SECTION 4.** The Upper Salford Township Code, Chapter 27, Zoning, Article III, Use Regulations, §27-304, subsection A. Accessory Uses, is amended to add a new Use A-19: Accessory Ground-Mounted Solar Energy System, to provide as follows:

A-19 - Accessory Ground-Mounted Solar Energy System

An alternative energy system that consists of one or more ground-mounted or free-standing solar collection devices and solar energy related equipment and other associated infrastructure with the primary intention of generating electricity or otherwise converting solar energy to a different form of energy and is an accessory use to a residential, industrial, institutional, agricultural, recreational or commercial use. Accessory ground-mounted solar energy systems shall be sized and intended to be used to generate electricity for the principal use to which it is accessory. Accessory ground-mounted solar energy systems are permitted by right in the RA5, R2, IN, CB, LI, LLI, and REC zoning districts.

a. Accessory ground-mounted solar energy systems are permitted anywhere within the building envelope but must meet the applicable setbacks for the zoning district in which the system is located. Solar energy system components shall not encroach upon any stormwater management facility or right-of-way or easement, including but not limited to water, stormwater, sanitary sewer, natural gas, telephone, and electrical easements.

b. A ground-mounted or freestanding solar energy module or array may not extend into any applicable yard setback when oriented at minimum design tilt.

c. Ground-mounted or freestanding solar energy systems shall not exceed a height of 15 feet. A solar energy system may exceed the applicable maximum height if it will cover an impervious surface parking area. Height may not exceed the height of the primary structure that the parking area serves. Minimum height of the parking canopy must allow clearance for emergency service and service vehicles.

d. Installed solar modules shall be constructed with at least one anti-reflective layer to reduce reflectivity.

e. For purposes of determining compliance with coverage standards of the applicable zoning district, the total horizontal projection area of all ground-mounted and freestanding solar energy collectors, including solar photovoltaic cells, panels, arrays, and inverters shall be considered pervious coverage provided that pervious conditions are maintained underneath the solar photovoltaic cells, panels, and arrays.

f. For accessory ground-mounted solar energy systems with a total solar land coverage of at least 4,000 square feet, the applicant shall provide a plot plan and a stormwater management plan prepared by an engineer for the facility that will minimize the impact of stormwater leaving the site and promote infiltration on-site through the use of stormwater BMPs. A stormwater management plan required by the municipal stormwater management ordinance may be used for this requirement with approval from the township engineer. Review by the Upper Salford Township Planning Commission is required for all accessory ground-mounted solar energy systems with a total solar land coverage of 4,000 square feet or greater.

g. The definitions as set forth in §27-285, Solar Energy shall apply to this §27-304.A-19.

**SECTION 5.** The Upper Salford Township Code, Chapter 27, Zoning, Article III, Use Regulations, §27-304, subsection B. Agricultural Uses, Use B-2 General Farming, Subsection a. is amended to state: a. Minimum lot area: 10 acres.

**SECTION 6.** The Upper Salford Township Code, Chapter 27, Zoning, Article III, Use Regulations, §27-304, subsection D. is amended to add a new Use D-4, Solar Energy Facility, to provide as follows:

D-4 - Solar Energy Facility.

A Solar Energy Facility is an alternative energy facility that consists of one or more ground-mounted, free-standing, or building-integrated solar collection devices, solar-energy-related equipment and other associated infrastructure with the principal use intention of generating electricity or otherwise converting solar energy to a different form of energy primarily for off-site use. Solar energy facilities are permitted by conditional use in the LI Limited Industrial and the LLI Limited Light Industrial districts and are subject to site plan application requirements set forth in the township's subdivision and land development ordinance.

A. General Regulations

1. Solar energy systems shall be installed in compliance with all applicable state and federal building, construction, and fire codes, including regulations with respect to stormwater management and impervious cover.

2. Solar energy systems shall be operated in compliance with all federal, state, and local laws and regulations.

3. The minimum lot size for use D-4: Solar Energy Facility is 5 acres. No more than 50% of the lot may be covered with a solar energy facility.

B. Setbacks

1. Solar energy facilities, including all collection devices and arrays, shall comply with district setback requirements in the LLI District. In the LI District, a 100-foot front yard setback, 100-foot side yard setback, and a 100-foot rear year setback are required. Solar energy facility components shall not encroach upon any stormwater management facility or right-of-way or easement, including but not limited to water, stormwater, sanitary sewer, natural gas, telephone, and electrical easements.

2. Setbacks for roof-mounted systems shall comply with the latest edition of the National Fire Protection Code and the Uniform Construction Code.

C. Height

1. For a building-mounted facility installed on a sloped roof, the highest point of the facility shall not exceed the highest point of the roof to which it is attached as allowed by setback requirements.

2. For a building-mounted facility installed on a flat roof, the highest point of the facility shall be permitted to exceed the district's height limit of up to six (6) feet above the rooftop which it is attached.

3. Ground-mounted or freestanding solar energy facilities shall not exceed 20 feet in height.

D. Design and Installation

1. The design and installation of solar energy facilities shall conform to the latest edition of all applicable industry codes and standards, including, but not limited to, those of the International Code Council (ICC), American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), and other similar certifying and professional organizations such as the American Society of Civil Engineers and the American Society of Mechanical Engineers.

2. All exterior electrical and/or plumbing lines shall be buried below the surface of the ground and be placed in a conduit.

3. All solar energy facility components shall be clearly labeled with a warning concerning voltage and other important electrical safety information. The universal isolation switch, or equivalent device, shall be easily accessible by first responders and clearly labeled.

4. For purposes of determining compliance with building coverage standards of the applicable zoning district, the total horizontal projection area of all ground-mounted and freestanding solar collectors, including solar photovoltaic cells, modules, arrays, inverters and solar hot air or water collector devices, shall be considered as pervious coverage so long as pervious conditions are maintained underneath the solar photovoltaic cells, modules, arrays, and solar hot air or water collector devices. The following components

of a ground-mounted solar energy facility shall be considered included in the calculations for lot coverage requirements:

a. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.

b. All mechanical equipment of the solar energy facility, including any pad mounted structure for batteries, switchboard, transformers, or storage cells.

c. Paved access roads servicing the solar energy facility.

5. An applicant shall locate a solar energy facility so that tree removal is not required to the extent practical and shall be subject to any applicable tree replacement regulations found in the subdivision and land development ordinance.

6. The applicant shall demonstrate that solar modules are positioned to prevent solar glare upon any neighboring properties or any public or private street, and to prevent additional heat load upon neighboring properties. Installed solar modules shall be constructed with at least one anti-reflective layer to reduce reflectivity. The latest version of the Solar Glare Hazard Analysis Tool (SGHAT) shall be used per its user's manual to evaluate solar glare. The full report shall be sent to the municipality at least 30 days before the first public meeting that will discuss the project. The project must demonstrate that any glare meets FAA glare analysis requirements.

7. The owner of the solar energy facility shall remedy any issues that arise with the installation and operation of the facility.

8. All equipment for solar energy facilities including any structure for batteries or storage cells shall be completely enclosed by a minimum eight (8)-foot high fence with a self-locking gate. Equipment shall be buffered per section 22-612.E of the township's subdivision and land development ordinance. Batteries and storage cells shall not be stored within the setback areas.

9. The applicant will provide a stormwater management plan prepared by an engineer for the facility that will minimize the impact of stormwater leaving the site and promote infiltration on-site through the use of stormwater BMPs. A stormwater management plan required by the municipal stormwater management ordinance may be used for this requirement with approval from the township engineer.

10. Solar energy facilities shall not be used to display advertising or decoration, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners, lights or similar items. Manufacturers and equipment information, safety warnings, and ownership information may be displayed on solar energy facility equipment provided such information complies with applicable sign regulations.

11. It is the responsibility of the owner of the solar energy facility to obtain any necessary solar easements from neighboring landowners to ensure

solar access. The Township does not guarantee and will not protect any individual property rights with respect to solar access.

12. The grazing of animals, to include but not be limited to sheep and goats, to control vegetation growing underneath solar arrays is permitted as customarily incidental to a solar energy facility principal use subject to the lot size requirements specified in this Chapter.

13. Buffers are required per section 22-612.E of the township's subdivision and land development ordinance.

14. Lighting. Lighting of the solar energy facility shall be limited to that minimally required for safety and operational purposes and shall comply with section 27-2210.

e. Decommissioning Requirements

1. The applicant is required to provide a decommissioning plan at the time the application is submitted.

2. The owner of the solar energy facility is required to notify Upper Salford Township immediately upon cessation or abandonment of the operation.

3. If a solar energy facility remains nonfunctional or inoperative for a continuous period of two years, the facility shall be deemed to be abandoned and shall constitute a public nuisance, unless the owner demonstrates good faith intent to sell the facility. Within six months of abandonment, the owner

shall remove the system after a demolition permit has been obtained in accordance with the following:

a. Any aboveground mechanical equipment, wiring, and structural components shall be removed.

b. Underground wiring and structural components shall be removed and the resulting void space filled.

c. The removal of graveled areas and access roads, unless the surface property owner requests in writing for graveled areas and access roads to stay in place.

d. When a solar energy facility is removed, any disturbed earth as a result of the removal of the system shall be restored, graded and reseeded, and ground cover established.

e. The owner shall ensure that the site's soils are tested as part of the decommissioning process to ensure there is no contamination and/or consistent with predevelopment conditions. Contamination levels shall be consistent with Pennsylvania Act 2 standards. If there is contamination, the owner shall be responsible for site remediation.

f. Financial Security

i. The deposit, executions, or filing with Upper Salford Township of cash, bond, or other form of security reasonably acceptable to the Upper Salford Township solicitor in consultation with the Township Engineer, shall be in an amount sufficient to

ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 110% of the cost of removal of the solar energy facility and restoration of the property with an escalator of 2% annually for the life of the solar energy facility. The amount of financial security shall be calculated and updated every five years by a third-party professional engineer retained by the applicant. The decommissioning amount shall be reduced by the amount of the estimated salvage value of the solar energy facility.

ii. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to Upper Salford Township, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property is completed.

iii. Delivery. A decommissioning plan and proof of financial assurance shall be provided to and approved by the Township and a memorandum thereof recorded with the county recorder of deeds in accordance with the following:

a) No later than 30 days before the commencement of construction of the solar energy facility, the grantee shall provide the decommissioning plan and proof of financial assurance shall be provided to the Township together with financial security in an amount equal to 10% of estimated cost to decommission, as determined by a third-party professional engineer, subject to confirmation and approval by the Township Engineer.

b) On or before the fifth anniversary of the commencement of construction of the solar energy facility, the grantee shall provide an updated decommissioning plan and proof of financial assurance shall be provided to the Township together with financial security in an amount equal to 10% of estimated cost to decommission, as determined by a third-party professional engineer, subject to confirmation and approval by the Township Engineer.

c) On or before the 10th anniversary of the commencement of construction of the solar energy facility, the grantee shall provide an updated decommissioning plan and proof of financial assurance shall be provided to the Township together with financial security in an amount equal to 40% of estimated cost to decommission,

less the facility's salvage value, except that the required proof of financial assurance shall not be less than 25% of the total estimated cost of decommissioning, as determined by a third-party professional engineer, subject to confirmation and approval by the Township Engineer.

d) On or before the 15th anniversary of the commencement of construction of the solar energy facility the grantee shall provide an updated decommissioning plan and proof of financial assurance shall be provided to the Township together with financial security in an amount equal to 60% of estimated cost to decommission, less the facility's salvage value, except that the required proof of financial assurance shall not be less than 40% of the total estimated cost of decommissioning, as determined by a third-party professional engineer, subject to confirmation and approval by the Township Engineer.

e) On or before the 20th anniversary of the commencement of construction of the solar energy facility the grantee shall provide an updated decommissioning plan and proof of financial assurance to shall be provided to the Township together with financial security in an amount equal to 80% of estimated cost to decommission,

less the facility's salvage value, except that the required proof of financial assurance shall not be less than 60% of the total estimated cost of decommissioning, as determined by a third-party professional engineer, subject to confirmation and approval by the Township Engineer.

f) On or before the 25th anniversary of the commencement of construction of the solar energy facility the grantee shall provide an updated decommissioning plan and proof of financial assurance to shall be provided to the Township together with financial security in an amount equal to 100% of estimated cost to decommission, less the facility's salvage value, except that the required proof of financial assurance shall not be less than 70% of the total estimated cost of decommissioning, as determined by a third-party professional engineer, subject to confirmation and approval by the Township Engineer.

g) The cost of review by the Township Engineer and all recording expenses incurred by the Township shall be charged to and paid by the grantee.

iv. Transferability. A decommissioning plan, the associated financial assurance and the salvage value of a solar energy facility to reduce the financial assurance may not be separated

from the solar energy facility through a change in grantee ownership. The new grantee shall submit proof of financial assurance in accordance with subsection.

a) The prior grantee may not release or revoke the prior grantee's financial assurance until the new grantee's proof of financial assurance is submitted to the Township and a memorandum thereof recorded with the recorder of deeds and notice is provided to the surface property owner party to the solar energy facility agreement.

**SECTION 7. SEVERABILITY**

The provisions of this Ordinance shall be construed as severable, and if any section, sentence, clause, part or provision hereof 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 or of the Code of Ordinances. It is hereby declared to be the specific intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION 8. REPEALER**

This Ordinance shall repeal all ordinances or code provisions of the Upper Salford Township Code of Ordinances which may be inconsistent herewith.

**SECTION 9. EFFECTIVE DATE**

This Ordinance shall be effective as provided by law.

**ENACTED** and **ORDAINED** this 14th day of October, 2025.

BOARD OF SUPERVISORS
TOWNSHIP OF UPPER SALFORD

Kevin C. O'Donnell, Chairman

Theodore F. Poatsy, Jr., Member

Richard Sacks, Member