



UPPER DARBY TOWNSHIP

DEPARTMENT OF LICENSES & INSPECTIONS

100 Garrett Road. Upper Darby, PA 19082 Phone: (610)734-7613

December 1, 2022

Upper Darby Township
Zoning Officer
100 Garrett Rd
Upper Darby Township, 19082

RE: ADVISORY DETERMINATION OF USE- Accessory Uses Photovoltaic Systems (Solar Panels)

TO WHOM IT MAY CONCERN:

Background and Issue

The Township of Upper Darby controls the uses and placement of buildings and structures on land through land use controls, such as the establishment of zoning districts and regulations as per [Chapter 550 of the Upper Darby Township Zoning Code](#). Chapter 550 seeks to promote safe, attractive and conducive residential neighborhoods while also properly regulating commercial and industrial uses. The purpose of this letter is to address the legality of installing accessory use solar photovoltaic systems or solar panels in residential and commercial districts.

Analysis

The zoning code does not define rooftop or ground Photovoltaic systems in Chapter 550-56: Definition of Terms. Rooftop or ground photovoltaic systems are also not mentioned anywhere elsewhere in the zoning code. A Building or Structure is defined as follows:

“Anything, other than a sign or fence as permitted by this or other appropriate ordinances, which is constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. In-ground swimming pools are considered structures. Flag poles, ornamental decorations, statues, bird baths, etc., are not considered structures.”

Determination

The Zoning Officer of Upper Darby Township interprets the definition of Building or structures to include rooftop and ground photovoltaic systems. Therefore, rooftop and ground photovoltaic systems are considered accessory uses in residential and commercial districts and allowed by-right. Ground and rooftop photovoltaic systems would be subject to the regulations of section 550-40 Accessory buildings and structures. Additionally, rooftop photovoltaic systems will have to comply with the maximum height regulation in each zoning district.

Authority

Chapter 550-53 of the Upper Darby Township Zoning Code grants the authority of the Zoning officer to interpret and enforce the zoning code.

Joshua Chast
Zoning Officer