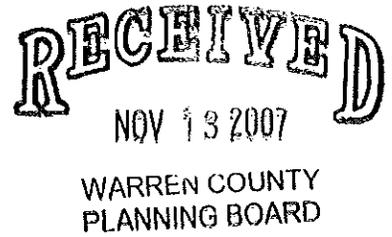


# Township of Hardwick

40 Spring Valley Road  
Hardwick, New Jersey 07825  
(908)362-6528  
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DATE: November 8, 2007  
TO: Municipal Clerks of Surrounding Townships  
Warren County Planning Board  
RE: Land Use Amendment -  
ORDINANCE NO. 2007/14

Pursuant to Notice provision of the Municipal Land Use Law, Chapter 291, please find enclosed a copy of the proposed amendment (s) to the Land Use Procedures Ordinances of the Township of Hardwick, which according to the notices thereto, ~~will be considered for final reading and passage at a public hearing to be held at the~~ Municipal Building, Hardwick Township, New Jersey at a Township Committee meeting on December 5, 2007 beginning at 7:00P.M.

Judith M. Fisher, RMC  
Municipal Clerk

CC: Blairstown Township  
Frelinghuysen Township  
Hardwick Township  
Knowlton Township  
Stillwater Township, Sussex County  
Warren County Planning Board - 7004 0750 3831 8787

CERTIFIED MAIL NO: \_\_\_\_\_

HAND DELIVERED \_\_\_\_\_

**ORDINANCE OF THE TOWNSHIP OF HARDWICK, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND CHAPTER XIII OF THE HARDWICK TOWNSHIP CODE ENTITLED "THE LAND DEVELOPMENT CHAPTER" IN ORDER TO ADD PROVISIONS GOVERNING THE INSTALLATION OF SOLAR ENERGY SYSTEMS AND STRUCTURES PERTAINING THERETO 2007/14**

**BE IT ORDAINED** by the Township Committee of the Township of Hardwick that Chapter XIII of the Code of the Township of Hardwick being the Land Development Chapter is hereby amended to add the following new sections:

**SECTION 1 - SOLAR ENERGY SYSTEMS**

**Preamble**

It is the purpose of the Township to promote the utilization of solar energy systems in order to maximize the utilization of a clean, safe and available energy source. Solar energy system installations shall be installed so as to minimize the visual impact.

**A. DEFINITIONS**

1. **13-38 Solar Energy Systems** - An energy system which converts solar energy to usable thermal or electrical energy to meet all or a significant part of a building's energy requirements. As used in this Chapter, the primary application of a solar energy system is the conversion of solar radiation to either thermal energy to meet all or part of a building's heating and domestic hot water requirements or electricity to meet all or part of a building's electrical energy requirements.
2. **Solar Accessory Building, Structure or Use** - A use that is subordinate to the principal building, structure or use and located on the same lot. Solar energy systems, as defined herein, are permitted accessory buildings, structures or uses in conjunction with residential, commercial and industrial buildings.

**B. ZONING REGULATIONS PERTAINING TO SOLAR ENERGY SYSTEMS.**

1. Solar energy systems are permitted accessory structures and uses in all zone districts within the Township provided they are accessory to a principal use or structure permitted in the zone district.
2. The solar energy system or structure shall comply with the set back requirements in the zone district where they are located.
3. When located within the building set back limits of the zoning ordinance, no site plan approval is required for the separate solar energy system unless a site plan is required for the principal use to which the solar energy system is accessory. If a ~~solar energy system is being added to an existing approved site, and the set back~~ requirements are complied with , then no site plan approval is required and only the necessary construction code permits are required.
4. In order to obtain the required zoning permit for placement of a solar accessory structure in a front yard, the applicant for the permit shall demonstrate to the Zoning Officer that it is necessary to place the solar energy system in the front yard in order for it to function properly and generate solar energy. The Applicant, in demonstrating the necessity for front yard installation, may provide written documentation from a qualified solar installer as to the necessity. If the Applicant is not utilizing a commercial solar installer, then the Applicant shall provide the reasons for the front yard installation to the Zoning Officer.
5. **SCREENING.** When a solar accessory structure is placed in the front yard, the

structure shall be screened as follows:

- a. Where natural screening is already in existence, no additional screening shall be required between the street and the solar accessory structure.
- b. If the back of the solar accessory structure faces the street, evergreen screening shall be planted along the back of the accessory structure to obscure or shield the view from the street of the solar accessory structure.
- c. Where the front of the solar accessory structure faces the street, evergreen screening shall be planted along the front of the solar accessory structure in such a manner that it does not impair the functionality of the solar accessory structure. It is the intent of this section that the landscaping shall obscure or shield the solar accessory structure when viewed from the street.

- d. **Roof Top Installations of Solar Energy Systems** - If a property owner elects to install a component of a solar energy system on a roof of an existing structure, only the necessary construction code permits shall be required.

## **SECTION 2**

The following new section is hereby added as part of Section 13-40.1 - General Design Standards: 13-40.1(e). The use of solar energy systems is encouraged. See Section 13-38 for regulations pertaining to solar energy systems.

## **SECTION 3**

Section 13-40.2 entitled "Residential Design Standards" is hereby amended to add the following new section: 13-40.2(c). See Section 13-38 for regulations pertaining to solar energy systems.

**SECTION 4**

**SEVERABILITY.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**SECTION 5**

**REPEALER.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

**SECTION 6**

**EFFECTIVE DATE.** This Ordinance shall take effect upon final passage and ~~publication as provided by law.~~

**NOTICE**

**NOTICE** is hereby given that the foregoing Ordinance was introduced on first reading at a regular meeting of the Township Committee of the Township of Hardwick held on 7<sup>th</sup> November, 2007 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on 5<sup>th</sup> December, 2007, at 7 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 40 Spring Valley Road, Hardwick, New Jersey, at which time all persons interested may appear for or against the adoption of said Ordinance.

Judith Fisher, R.M.C., Township Clerk  
Township of Hardwick