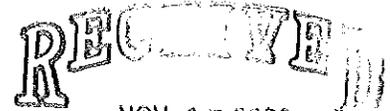


ORDINANCE #08-10

ORDINANCE OF THE TOWNSHIP OF HOPE, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND CHAPTER XXIII OF THE HOPE TOWNSHIP CODE ENTITLED "THE LAND DEVELOPMENT CHAPTER" IN ORDER TO ADD PROVISIONS GOVERNING THE INSTALLATION OF SOLAR COLLECTOR SYSTEMS AND STRUCTURES PERTAINING THERETO

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

SECTION 1 - SOLAR COLLECTOR SYSTEMS



NOV 17 2008

WARREN COUNTY PLANNING BOARD

Preamble

It is the purpose of the Township to promote the utilization of solar collector systems in order to maximize the utilization of clean, safe and available energy systems using all present technological advances while minimizing the visual impact of those solar collector systems from surrounding properties.

A. DEFINITIONS

1. Solar Collector Systems - An energy system which converts solar energy to usable hot water 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 collector

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 COLLECTOR SYSTEMS.

1. Solar collector 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 collector systems or structures shall comply with all side and rear setback requirements of the zoning district where they are located except as otherwise designated in this ordinance.
3. When located within the side or rear yard setback limits of the zoning ordinance, no site plan approval is required for the separate solar collector system unless a site plan is required for the principal use to which the solar collector system is accessory; provided, however that the solar collector system shall comply with the design standards as required by this ordinance. If a solar collector system is being added to an existing approved site, and the side and rear setback requirements are complied with, then no site plan approval is required and only the necessary construction code permits are required; provided, however, that the solar collector system complies with all design standards required in this ordinance. If the solar collector system does not comply with the design standards referenced hereinafter, the Applicant shall be required to obtain site plan approval from the Planning Board.

4. In order to obtain the required zoning permit for placement of a solar collector system in the front yard, the applicant for the permit shall demonstrate to the Zoning Officer that there is a minimum 100 feet of setback from the front property line to the solar collector system and that the solar collector system is necessary to be placed in the front yard in order for it to properly function and generate solar energy. The Applicant, in demonstrating that the solar collector system can only function in the front yard shall provide written documentation from a qualified solar installer as to that necessity. The issuance of a permit in the front yard shall include a requirement that there shall be screening of the solar collector system from the road and from abutting properties
5. **SCREENING DESIGN STANDARDS.** When a solar collector system is placed in the front yard, side or rear yards, the structure shall be screened as follows:
 - a. Where natural screening is already in existence, no additional screening shall be required between the street, side or rear property line and the solar collector system unless the natural screening fails to obscure or shield the solar collector system from abutting property owners in accordance with the standards in this ordinance.
 - b. If the back of the solar collection system faces the street or side or rear property line, evergreen screening shall be planted along the back of the solar collector structure to obscure or shield the view of the solar collector structure from street, side and rear property lines.

- c. Where the front of the solar accessory structure faces the street, side or rear property line, evergreen screening shall be planted along the front of the solar accessory structure in such a manner as to obscure or shield the solar collection system when viewed from the street, side or rear property lines.
 - d. Failure to comply with the screening design standards shall require the Applicant to submit a minor site plan to the Planning Board.
 - e. **Roof Top Installations of Solar Collector Systems** - If a property owner elects to install a solar collector system flush on a roof of an existing structure, only the necessary construction code permits shall be required. In the event that the solar collection system is within a ten percent (10%) grade deviation from a flush mounting no additional permits shall be required. Deviations greater than 10% from flush mounting shall require site plan review from this design standard by the Planning Board and its approval thereof.
6. Installation Within Historic Districts shall require the review of the Historic Commission for comment and review to the Zoning Office or Planning Board as the case may be.

SECTION 2

The above ordinance shall be designated as Section XXIII-46.16 Solar Collector Systems.

SECTION 3

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 4

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

SECTION 5

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 Hope held on _____ November 12 _____, 2008 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 December 10, 2008, at 7:00 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building 407 County Route 611, Hope, New Jersey, at which time all persons interested may appear for or against the adoption of said Ordinance.

Mary Pat Quinn, R.M.C., Township Clerk
Township of Hope