

**ORDINANCE NO. 24-2012**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED, LAND USE AND DEVELOPMENT LEGISLATION, BY ADOPTING DEFINITIONS AND DEVELOPMENT STANDARDS FOR SOLAR ENERGY FACILITIES AND AMENDING AND SUPPLEMENTING CERTAIN PROVISIONS FOR THE SCREENING OF ROOFTOP EQUIPMENT**

**WHEREAS**, the Township of Hanover has experienced an increase in the development of solar energy facilities; and

**WHEREAS**, one of the purposes of the New Jersey Municipal Land Use Law is “to promote the utilization of renewable energy resources”; and

**WHEREAS**, the Township desires to update its development regulations to permit solar energy facilities in appropriate locations and to regulate such facilities in order to ensure that the use and development of such facilities is consistent with other objectives of the Township’s development regulations.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey that Chapter 166 of the Code of the Township of Hanover, entitled Land Use and Development Legislation, is hereby amended and supplemented as follows:

**Section 1.** Subsection A. of Section 166-4., *Definitions and word usage*, is hereby amended by adding and inserting definitions of “solar or photovoltaic energy facility or structure” and “solar panel,” to read as follows:

SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE - A facility or structure for the purpose of supplying electrical energy produced from solar or photovoltaic technologies, whether such facility or structure is a principal use, part of the principal use, or an accessory use or structure.

SOLAR PANEL - An elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array.

**Section 2.** Paragraph (1)(a) in Subsection E. of Section 166-58., *Filing procedures; developments exempt from review*, is hereby amended by the addition of a new Subparagraph [6], to read as follows:

[6] Solar or photovoltaic energy facilities or structures mounted on the roofs of buildings.

**Section 3.** Section 166-133., *Roof structures*, is hereby amended to read as follows:

**§166-133. Roof structures.**

Unless specifically provided otherwise by this Chapter, service equipment roof structures for nonresidential buildings, such as air-conditioning equipment, elevator bulkheads and the like, shall be so situated that they shall not be visible from a point six feet above the ground level in any abutting residential zone or at the center line of any abutting street. Any screening of said structures shall be designed in a manner compatible with the architectural design of the front facade of the building, as determined by reviewing agency.

**Section 4.** Article XIX, *General Provisions*, is hereby amended by the addition of a new Section 166-138.6., to read as follows:

**§166-138.6. Solar or photovoltaic energy facilities and structures.**

In addition to all other applicable requirements of this Chapter, solar or photovoltaic energy facilities and structures shall be permitted in the following locations and shall be subject to the following requirements. In case of conflict between the following requirements and the other requirements of this Chapter, the following shall supersede:

- A. Solar or photovoltaic energy facilities and structures in residential zone districts.
  - (1) Solar or photovoltaic energy facilities and structures shall be permitted as an accessory use only, and not as a principal use.
  - (2) Solar panels shall be located on the roof of buildings only. Panels mounted on poles, on the ground or on other structures shall be prohibited.
  - (3) The height of solar panels shall not exceed the height of the roof at any point by more than 18 inches. The height shall be measured from the roof directly beneath the solar panel.
  - (4) In order to maintain the building's architectural style and appearance, the slope of roof-mounted solar panels shall be required to be consistent with the slope of the roof upon which the panel is located. Solar panels mounted on horizontal roofs may be pitched to maximize solar gain, provided that Paragraph A (3) above is complied with.
- B. Solar or photovoltaic energy facilities and structures in nonresidential zone districts.
  - (1) Solar or photovoltaic energy facilities and structures shall be permitted as a principal use or as an accessory use.

- (2) Solar panels may be located on the roof of buildings, on poles, on the ground or on other structures.
- (3) Solar panels mounted on the roof of buildings shall be subject to the following requirements:
  - (a) Solar panels shall be exempt from the coverage limitations applicable to other rooftop equipment.
  - (b) Solar panels that have a height of 18 inches or less above the elevation of the roof where the panels are mounted shall be subject to the following:
    - [1] Such panels shall be exempt from the maximum height regulations applicable to the building.
    - [2] Such panels shall not be required to be screened from view.
    - [3] When mounted on sloping roofs, the pitch of such panels shall be required to be consistent with the slope of the roof upon which the panels are located.
  - (c) Solar panels having a height greater than 18 inches above the elevation of the roof where the panels are mounted shall be screened from view on all sides by parapet walls, roofs, screens or similar features. If the screening is designed to appear as an integral part of the building architecture, then no additional requirements shall apply other than the maximum height regulations applicable to the building. Where the screening is not designed as an integral part of the building architecture, but is a distinct and separate feature, the following shall apply:
    - [1] Such panels and screening shall not exceed the elevation of the roof where the panels are mounted by more than 5 feet.
    - [2] Such panels and screening shall comply with the maximum height regulations applicable to the building.
    - [3] The screening of such panels shall be designed to be compatible with the architecture of the building, as determined by the reviewing agency.
  - (d) Solar panels mounted on roofs shall be located at least 10 feet from the edge of flat roofs unless a safety barrier having a height of at least 42 inches about the roof elevation is provided to prevent accidental falls from the roof by service and maintenance personnel.

- (e) Solar panels mounted on horizontal roofs may be pitched to maximize solar gain, provided that the other requirements of this Paragraph B (3) are complied with.
- (4) Solar panels mounted on the ground, on poles or on other structures shall be subject to the following requirements:
- (a) Such panels shall be permitted only in the side and rear yards. Such panels shall be prohibited in front yards.
  - (b). The height of such panels shall not exceed 20 feet above the ground at the base of the panel.
  - (c) Such panels shall be set back from all property lines a distance not less than 1.5 times the height of the panels, or shall be set back the minimum setback requirement for accessory buildings, whichever is more restrictive.
  - (d) Such panels shall be screened from the view of public streets and residential zones by vegetation, fencing or walls and/or topographic features, as determined by the Board at the time of site plan approval.
  - (e) In cases where the placement of solar panels and the requirements for landscaped islands in parking areas in this Chapter conflict, such parking areas shall be exempt from the landscaped island requirements, but only to the extent of such conflict.
  - (f) In cases where solar panels in parking areas interfere with the illumination of the parking area by light fixtures, supplemental and/or revised illumination shall be provided to ensure adequate illumination beneath the panels.
  - (g) The placement of solar panels in parking areas shall not interfere with safe and convenient vehicular movements, including but not limited to dimensional requirements, turning radii, sight lines and vertical clearances for automobiles, trucks and emergency vehicles. Where deemed necessary by the reviewing agency, protective bollards, guide rails or other barriers shall be provided to prevent damage to solar panels or other solar or photovoltaic energy facilities or structures.

C. General provisions.

- (1) In accordance with the provisions of N.J.S.A. 40:55D-38.1, the horizontal area of solar panels shall be excluded from calculations of impervious cover.
- (2) All solar panels shall be oriented or otherwise designed (e.g., with non-reflective glass) to avoid directing reflected glare from the sun or from

light fixtures toward adjacent properties or streets so as to be a nuisance or safety hazard.

- (3) Solar panels shall be designed to avoid problems resulting from stormwater runoff, snow and ice accumulation and removal, and vehicular and pedestrian circulation.
- (4) Wiring between freestanding solar panels and buildings shall be located underground.
- (5) Signs shall not be permitted to be attached to solar panels, their support structures or equipment any screening devices, except for signs required for service or maintenance personnel or warning signs for electrical hazards.

**Section 5.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

**Section 6.** In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

**Section 7.** This ordinance shall take effect in accordance with the law.

TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

DATE OF INTRODUCTION: November 8, 2012

DATE OF ADOPTION: December 13, 2012

## **NOTICE OF INTRODUCTION**

**NOTICE IS HEREBY GIVEN**, that the foregoing Ordinance was submitted in writing at a meeting of the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, held on the 8<sup>th</sup> day of November 2012, introduced and read by title and passed on first reading and the Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on the 13<sup>th</sup> day of December, 2012 at 8:30 o'clock in the evening prevailing time, at the Municipal Building, 1000 Route 10, Whippany, in said Township of Hanover, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

JOSEPH A. GIORGIO, TOWNSHIP CLERK  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

DATED: November 15, 2012