

CHESTERFIELD TOWNSHIP

ORDINANCE 2018-4

**AN ORDINANCE AMENDING CHAPTER 130-44 GOVERNING
"SOLAR ENERGY FACILITIES OR STRUCTURES"**

WHEREAS, the Township of Chesterfield previously created Chapter 130-44, governing "Solar Energy Facilities or Structures"; and

WHEREAS, the Ordinance contained a provision imposing a condition on certain residential accessory installations at Chapter 130-44C(2)(c) as follows: "Solar energy facilities or structures installed to service a single-family residential dwelling shall be restricted to a size of 10 kW of generation capacity;" and

WHEREAS, in implementing the Ordinance the provision has resulted in numerous applications to the Board that are routinely granted because the resident can demonstrate historic energy demand needs in excess of 10kW; and

WHEREAS, the State rules and regulations do not permit an installation to be greater than necessary to meet historic demand, as residents are not permitted to sell back to the grid; and

WHEREAS, at the recommendation of the Board and its professionals, the Township desires to amend the Code to delete this requirement and replace same with a requirement that the size of the array be justified by historic energy use records.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey, that the Land Use Code of the Township of Chesterfield is hereby amended as follows:

Section 1. Chapter 130-44 is hereby amended at Chapter 130-44 as follows:

§130-44. Standards for Solar Energy Facilities or Structures.

C. Permitted as conditional accessory uses in the AG, R-1 and Village Zones.

2. Conditional Accessory Use Standards.

(a) Solar energy facilities or structures shall be mounted no more than 12 inches above any roof surface.

(b) The installation of solar energy facilities or structures shall not exceed the height limitation for principal or accessory structures in the zone.

(c) Solar energy facilities or structures installed to service a single-family residential dwelling shall be restricted to a size of 10 kW of generation capacity, justified by historic energy use records.

(d) Where ground-mounted solar energy facilities or structures are permitted, they shall be no higher than 10 feet off the ground at their highest point, including the highest point of a tilted panel for solar energy facilities or structures that track the sun.

Section 2. Inconsistency. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, section, paragraph, or sentence or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 4. Effective Date. This ordinance shall take effect immediately upon final passage and publication thereof according to law.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: May 10, 2018

Adopted: May 24, 2018

RECORD OF VOTE													
INTRODUCTION							ADOPTION						
TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
S Davis	X					X	S Davis	X					
A Katz				X			A Katz	X					
D Koetas-Dale	X				X		D Koetas-Dale	X					X
J Liedtka				X			J Liedtka	X				X	
R Romeu	X						R Romeu	X					
X – Indicates Vote NV – Not Voting AB – Absent ORD – Motion SEC - Seconded													