

**TOWNSHIP OF FREDON
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2024-04

**AN ORDINANCE AMENDING THE FREDON TOWNSHIP ZONING ORDINANCE TO
ADD THE DEFINITION OF “SOLAR ROOF TILE” AND PERMIT SOLAR ENERGY
DEVICES IN ALL RESIDENTIAL DISTRICTS SUBJECT TO CERTAIN CRITERIA**

SECTION 1. CODE AMENDMENTS

- A. CHAPTER 550 ZONING, ARTICLE III TERMINOLOGY. Definitions, §550-19, Terms Defined, is hereby amended to add the following definition:**

“Solar Roof Tile” shall be defined as “a solar panel that is configured as a roof shingle that resembles or aesthetically appears to be a conventional asphalt, slate, wood or similar type roof shingle.”

- B. CHAPTER 550 ZONING, ARTICLE V. General Regulations §550-41 Solar Energy Devices, shall be amended to add a new section, §550-41.1. Solar Energy Devices General Regulations, to Article V, General Regulations.**

Small solar systems limited to the lesser of **25 Kilowatts (25 KW)** or 110 percent of the average of the three prior years’ electrical energy consumption. Solar panels and solar arrays may be roof-top mounted, or ground mounted in the rear yard area only. There shall be no limitation to the number of panels or solar roof tiles mounted on the roof of the principal and/or accessory structures located on the lot, however they are subject to the KW limitations as reflected above.

- C. CHAPTER 550 ZONING, ARTICLE V. General Regulations §550-41 Solar Energy Devices, shall be amended to add a new section, §550-41.2. Solar Energy Devices Design Standards, to Article V, General Regulations.**

The following design standards must be met for roof-top mounted, or ground mounted solar panel systems:

1. Roof mounted solar panels are to be securely attached or mounted to the roof
2. The roof must be certified by an appropriate professional that it is structurally capable of accommodating the system.
3. The edges of the system must not be located less than 24 inches from the peak or sides of the roof, as well as from the bottom of the roof. A 4 ft. wide access corridor on flat roofs shall be provided every 50 ft.
4. The system must follow the pitch of the roof to the greatest extent possible but in no instance shall be elevated more than 6 inches above the roof line.
5. To the greatest extent possible the system shall not be visible from public thoroughfares.
6. The frames of the panels shall be black in order to minimize the visual impact of the system.

7. All information about the system and its components shall be submitted to the Construction Official, with a copy to the Fire Dept.
8. Changes to the system, once installed, are not permitted, without first contacting the Zoning Officer and Construction Official.
9. Any ground mounted equipment associated with the system (not including ground mounted solar panels) must be depicted on a survey of the property and must comply with the accessory structure requirements of the zone.
10. The anticipated life span of the system and anticipated means of removal and disposal shall be filed with the Construction Official.

In the event that the applicant cannot meet the above conditions, an application shall be made to the Land Use Board for consideration of an exemption with the same procedures and proofs required pursuant to N.J.S.A. 40:55D-51.

**D. CHAPTER 550 ZONING, ARTICLE V. General Regulations §550-41
Solar Energy Devices, shall be amended to add a new section, §550-41.3. Solar
Energy Devices Zoning Standards, to Article V, General Regulations.**

The following zoning standards must be met for roof-top mounted, or ground mounted solar systems:

1. All ground-mounted small solar systems shall be located closer to the principal residence of the property in question, than to any neighboring homes or property lines.
2. In the event an applicant cannot locate either on a roof or in a rear yard and is requesting to locate a ground-mounted solar array in the side yard area, an application shall be made to the Land Use Board. A variance may be granted where the applicant's application can demonstrate that the location of the solar panel arrays on the roof of the residence (or other accessory structures on the lot) or in the rear yard is impracticable, or that the location on the roof or in the rear yard will exact undue hardship because of conditions pertaining to the land or structures in questions, and that if located in a side yard, that the array can be appropriately screened as required below.
3. If approved to be located within the side yard, the following bulk standards shall apply:
 - a. The solar system shall be situated in close proximity to the principal residence of the applicant but at minimum, setback of 10 ft. from a property line.
 - b. The array shall be effectively screened from view from any street or adjacent properties by a continuous visual buffer of evergreen plantings having a minimum planted height of 48 inches and a maximum on-center planting spacing of 8 ft.
 - c. A deviation from the above bulk standards shall require the appropriate variance relief.
4. Ground mounted systems in non-residential zones shall be allowed, as an accessory use, for systems that meet the accessory structure setback requirements of the zone and shall be subject to the site plan review and approval process.

5. Solar Energy Systems located on canopies over parking areas are neither encouraged or discouraged and the specifics of each such proposal, relative to public safety, aesthetics and other factors, shall be taken into consideration by the Planning Board during the site plan review process.
6. In no case shall the total Solar Energy Systems surface exceed 10,000 sq ft. If that square foot number is exceeded, a “d-1” variance shall be required.
7. Ground mounted systems are specifically prohibited within any multi-family residential complex.

**E. CHAPTER 550 ZONING, ARTICLE V. General Regulations §550-41
Solar Energy Devices, shall be amended to add a new section, §550-41.4. Solar
Energy Devices Administration and Enforcement, to Article V, General
Regulations.**

- A) Upon completion of the installation, the applicant shall provide written notice of the existence of such small solar energy system to the emergency service providers (Fredon Township Fire Department and Fredon Emergency Medical Services) identifying the subject property by block and lot, street address and a graphic plan or narrative identifying the location of the electrical service disconnect for the solar energy system.
- B) New Jersey Requirements – In addition to all of the requirements in this chapter, all systems shall adhere to the requirements of NJAC 5:70-2.21 and all other statutory requirements of the State of New Jersey.
- C) Existing Systems – All renewable energy systems existing at the time of the adoption of this ordinance, as identified in a list herein, identified as Addendum A, shall be exempt from the requirements herein, except for the requirements of NJAC 5:70-2.21, which shall still apply

CERTIFICATION

TAKE NOTICE that the foregoing ordinance, Ordinance 2024 – 04 , was introduced and approved at first reading at a meeting of the Fredon Township Committee, County of Sussex, State of New Jersey, held on June 26, 2024 and that said Zoning Ordinance will be further considered for final passage at a meeting of the Township Committee beginning at 7:00 p.m. on July 10, 2024 at the Fredon Municipal Building, 443 Route 94, in the Township of Fredon, at which time and place all persons interested will be given an opportunity to be heard concerning said Capital Ordinance and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Township Clerk’s Office to the members of the general public who shall request the same.

Suzanne Boland, RMC
Township Clerk

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CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance passed second reading and was adopted by the Fredon Township Committee at a Regular Meeting of that body held on June 26, 2024.

Suzanne Boland RMC
Municipal Clerk