



# Township of Hillsborough

COUNTY OF SOMERSET  
THE PETER J. BIONDI BUILDING  
379 SOUTH BRANCH ROAD  
HILLSBOROUGH, NJ 08844  
(908) 369-4313  
[www.hillsborough-nj.org](http://www.hillsborough-nj.org)

## ORDINANCE 2019-02

**Ordinance Amending Chapter 188 “Land Use and Development”, Article IV “Design and Performance Standards”, Section 188-76 “Solar Energy Systems and Small Wind Energy Systems” of the code of The Township of Hillsborough, County of Somerset, State of New Jersey. Further Consideration and Public Hearing to be held on February 26, 2019**

**New language is underlined thus.**

**BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that Chapter 188 “Land Use and Development”, Article IV “Design and Performance Standards”, Section 188-76 “Solar Energy Systems and Small Wind Energy Systems”, of the Code of the Township of Hillsborough, is hereby amended to add the underlined language as follows:

### **Section 1.**

Section 188-76A(5).

(a) Solar energy systems, as defined herein, using both existing and experimental technologies, are included as permitted accessory buildings, structures or uses in conjunction with residential, commercial and industrial buildings, except that solar energy systems shall be considered a permitted use for all properties containing at least 20 acres that are located in all industrial districts. When not attached to the building or within the building footprint (known as ground-mounted), solar energy systems in conjunction with residential, commercial and industrial buildings must meet all accessory use bulk requirements for the particular zone district in which the property is located and a minimum fifty-foot landscaped buffer from any property line must be provided. Site plan review is required for any ground-mounted solar energy system in conjunction with a commercial or industrial building. When attached directly to and positioned within the footprint of said structure, only the necessary building permits are required.

(b) Solar energy systems, as defined herein, are included as permitted accessory or principal buildings, structures, or uses on all publicly-owned properties. Such projects are otherwise exempt from the provisions of this ordinance with the exception that a minimum fifty-foot-wide landscaped buffer shall be provided from a ground-mounted system to any property line. The public agency seeking to construct a solar energy system shall refer the plan to the Township planning board for review and recommendation pursuant to the terms of the Municipal Land Use Law at 40:55D-31.

**Section 2.** This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning, and land use regulations. All other ordinances or other local requirements that are inconsistent or in conflict with this Ordinance are

hereby repealed to the extent of any inconsistency or conflict, and the provisions of this Ordinance shall apply.

**Section 3.** If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable therefrom.

**Section 4.** After introduction, the Township Clerk is hereby directed to provide a copy of the within Ordinance to the Planning Board of the Township of Hillsborough for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A.40:55D-64. The Planning Board is directed to make and transmit to the Township Committee within 35 days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**Section 5.** This Ordinance shall take effect immediately upon its adoption, passage and publication according to law.

ATTEST: TOWNSHIP OF HILLSBOROUGH

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Pamela Borek, Township Clerk

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Frank DelCore, Mayor

*Introduced: 1/23/2019*

*Published: 2/1/2019*

*Public Hearing: 2/26/2019*

*Adopted:*

*Published:*