

\*\*\*ADOPTED JULY 17, 2023\*\*\*

DELANCO TOWNSHIP  
ORDINANCE 2023-9

AMENDING CHAPTER 110-6 GOVERNING “DEFINITIONS”  
AND CHAPTER 110-12.E GOVERNING “SOLAR ENERGY SYSTEMS”

**WHEREAS**, the governing body believes that solar power is abundant, and supports the use of renewable energy consistent with New Jersey policy goals; and

**WHEREAS**, the governing body encourage implementation of renewable solar energy systems, which reduces fossil fuel emissions; and

**WHEREAS**, the purpose of this ordinance is to manage the implementation of solar energy in a manner which protects the public health, safety, and welfare; and

**WHEREAS**, solar power can reduce global climate impacts but can increase impacts upon agricultural, ecological, and cultural resources; and

**WHEREAS**, the purpose of this ordinance is to provide a regulatory framework which balances the public, health, safety, and welfare, while maintaining the character of the community.

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

**Section One.** Chapter 110-6 governing “Definitions” is amended to the insert the following:

**§110-6. Definitions.**

Ground mounted solar energy system – Solar arrays directly mounted to or installed upon solar racks or canopies. These racks or canopies connect to the ground using structural supports. Ground mounted systems may be appropriate when there is not sufficient space, structural concerns, or shading issues.

Solar energy system – consists of one (1) or more photovoltaic, concentrated solar thermal, or solar hot water devices as free-standing, building integrated, or roof mounted, with related conversion equipment, the purpose of which is as an accessory to the principal building by reducing or meeting the energy needs of the principal use.

**Section Two.** Chapter 110-12 *Accessory uses, buildings, and structures* is hereby amended to add paragraph E. governing “Solar energy systems” as follows:

## **§110-12. E. Solar energy systems**

Applicable to all solar energy systems, as defined, installations in all districts. If a solar energy system is a major development, as defined (see §100-42.2) stormwater management is applicable.

### **(1) Tree Removal**

- (a) Removing trees to install solar energy technology is discouraged, particularly specimen trees, as defined (See §238-1). If trees are removed, deceased, or were to be provided as part of any approved site or subdivision plan, then they shall be replaced 1:1 in and around the site or tract.
- (b) Where solar energy systems can be viewed from public rights of way or public lands, filtered screening using small upright ornamental trees, low evergreen and deciduous shrubs, berms, and/or fencing is required.

### **(2) Roof mounted or integral to the building solar in all Districts**

Where roof mounted solar energy systems are provided, the design of the system is required to conform to applicable state and national codes and the following standards must be met:

- (a) Roof mounted systems or integral to the building are permitted on a principal building or accessory building.
- (b) Roof mounted systems must be parallel to an underlying sloped roof, but in no case shall exceed the height of the roof peak in the vertical plane or overhang any eave or extend past any roof edge in the horizontal plane.
- (c) Roof mounted systems on a flat roof may be angled but only to the extent to achieve maximum solar orientation, but in no case may exceed eight (8) feet in height. These systems may not extend past any roof edge in the horizontal plane.
- (d) A plan must be provided illustrating the location of a required external disconnect switch..

### **(3) Single and two-family residential districts**

In the R-1, R-1-30, R-2, R-3, R-4, R-5, R-6, PRD/V, and PRD/ AH residential districts, solar energy systems may be roof mounted or integral to the building. Where ground mounted solar energy systems are provided, the following standards must be met:

- (a) Ground mounted solar arrays and equipment are not permitted in any front yard but are only permitted within a rear or side yard and must be setback at least five (5) feet from any side or rear property line.
- (b) Ground mounted solar arrays may not exceed 75% of the dwelling footprint.
- (c) Ground mounted solar arrays may not exceed eight (8) feet in height.
- (d) Ground mounted structural supports should be finished in warm muted tones.

#### **(4) Commercial and Multi-family districts**

In commercial and multi-family residential districts solar energy systems may be roof mounted or integral to the building. In C-1 and C-2 commercial and PD-AH-2 and PD-AH-3 residential districts where ground mounted solar energy systems are provided, the following standards must be met:

- (a) Ground mounted solar energy systems and equipment are not permitted in any front yard or required landscape buffer area.
- (b) Ground mounted solar energy systems and equipment must conform to the principal building setback requirements.
- (c) Ground mounted solar energy systems are not permitted in any parking row, landscape, or lawn area directly adjacent to any building or between any drive aisle and the building.
- (d) Ground mounted solar energy systems are not permitted in any drive aisle adjacent to any commercial or multi-family residential structure.
- (e) Ground mounted structural supports should be finished in warm muted tones.
- (f) If ground mounted systems employ the use of structural support to the solar arrays over lawn or landscaped area, then the maximum permitted height is eight (8) feet. Shade tolerant plant materials are required to be planted under these systems, which plantings may include native grasses and wildflowers.
- (g) If ground mounted systems employ the use of canopies over parking as a structural support to the solar arrays, then the minimum vertical clearance under the canopy shall be 14 feet with a maximum height of 21 feet; and drive aisles maintained at the required width.

Any solar system installed under this Section (4) shall be subject to the review and approval of the Fire Marshall's office for the purpose of ensuring the above regulations are adhered to for appropriate access to the building(s) on the lot for firefighting purposes.

#### **(5) Industrial Districts**

In industrial districts solar energy systems may be roof mounted or integral to the building. In the I-1 and I-2 industrial districts where ground mounted solar energy systems are provided, the following standards must be met:

- (a) Ground mounted solar energy systems are not permitted in any required landscape buffer area.
- (b) Ground mounted solar energy systems are not permitted in any parking row, landscape, or lawn area directly adjacent to any building or between any drive aisle and the building.
- (c) Ground mounted solar energy systems are not permitted in any drive aisle adjacent to any industrial structure.
- (d) Ground mounted structural supports should be finished in warm muted tones.

- (e) If ground mounted systems employ the use of structural support to the solar arrays over lawn or landscaped area, then the maximum permitted height is eight (8) feet. Shade tolerant plant materials are required to be planted under these systems, which plantings may include native grasses and wildflowers.
- (f) If ground mounted systems employ the use of canopies over parking as a structural support to the solar arrays, then the minimum vertical clearance under the canopy shall be 14 feet, with a maximum height of 21'; and drive aisles maintained at the required width.

Any solar system installed under this Section (5) shall be subject to the review and approval of the Fire Marshall's office for the purpose of ensuring the above regulations are adhered to for appropriate access to the building(s) on the lot for firefighting purposes.

**Section Three. Repealer.**

Any Ordinances inconsistent with this ordinance is hereby repealed to the extent of its inconsistency.

**Section Four. Severability.**

If the provision of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**Section Five. Effective Date.**

This Ordinance shall be effective upon proper passage and approval in accordance with the law.