

**TOWN OF WESTFIELD
GENERAL ORDINANCE NO.2063**

**"AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF
WESTFIELD BY ESTABLISHING PROVISIONS REGULATING THE
INSTALLATION OF SOLAR ENERGY SYSTEMS"**

WHEREAS, The Town Council of the Town of Westfield supports the use of alternative energy systems, including the use of solar collectors and solar energy systems, and is desirous of allowing such systems throughout the Town of Westfield; and

WHEREAS, The Town Council of the Town of Westfield recognizes that certain installations of solar energy systems could have a negative impact on the visual appearance and aesthetic character of properties and neighborhoods within the Town; and

WHEREAS, the 2009 Land Use Element of the Town Master Plan contains within in its Goals and Objectives "To preserve and protect the suburban character of existing residential developments through regulations to preserve and enhance the visual appearance of residential neighborhoods."; and

WHEREAS, the 2002 Town Master Plan contains within its Goals and Objectives "To promote the conservation of energy and the recycling of recyclable materials through appropriate regulations to encourage energy-efficient design"; and

WHEREAS, the 2009 Town Master Plan Reexamination Report, recommends that a new goal be added to the Town Master Plan, entitled "Achieve Environmental Sustainability", with objectives including minimizing carbon emissions, and maximizing energy efficiency; and

WHEREAS, The Town Council of the Town of Westfield is desirous of formally amending the Land Use Ordinance in conformance with the Goals and Objectives contained within the Town Master Plan, Master Plan Land Use Element, and recommendations contained within the Master Plan Reexamination Report; and

NOW, THEREFORE, BE IT THEREFORE ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION AND THE STATE OF NEW JERSEY, AS FOLLOWS:

- I. The Land Use Ordinance is hereby amended by adding a new Article, 13.07, Solar Energy Systems, to read in its entirety as follows:

Article 13.07

Solar Energy Systems

§13.07 Solar Energy Systems

A. Intent The purpose of this section is to provide a regulatory framework for the construction and operation of solar energy systems in the Town of Westfield, subject to reasonable restrictions, which will preserve the public health, safety, and welfare, while also maintaining the character of the Town of Westfield. This section permits, as an accessory use, solar energy systems in all zone districts in the Town of Westfield, subject to the criteria set forth in this section.

B. Definitions

1. **Building-Integrated Solar Energy Systems.** A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems shall include photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, and skylights.
2. **Ground Mounted Solar Energy System.** Systems which are not mounted on existing structures.
3. **Public view.** The view by the public of a building from any point on a street or walkway which is used as a public thoroughfare, either vehicular or pedestrian.
4. **Roof Mounted Solar Energy System.** A solar energy system consisting of solar collectors are installed directly on the roof of a home, commercial building, and/or an accessory structure, such as a garage, pergola, and/or shed.
5. **Solar Collector.** A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical or electrical energy.
6. **Solar Collector Surface.** Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.
7. **Solar Energy.** Radiant energy received from the sun at wavelengths suitable for conversion into thermal or electrical energy.
8. **Solar Energy System.** Means any solar collector or other solar energy devise, or any structural design feature, mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, for water heating, or for electricity.
9. **Solar Mounting Device.** Racking, frames or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

10. **Street facing façade.** Any building wall along a front yard or street side yard.
11. **Street facing roof plane.** A roof plane or planes which is (are) located between the roof ridge and street facing façade or facades of a building.

C. Applicability. This section applies to solar energy systems to be installed and constructed after the effective date of the ordinance. Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirement of this section, provided however, that any upgrades, modifications, or changes that alter the size or placement of existing solar energy systems shall comply with the provisions of this section.

D. Permitted Accessory Use. Solar energy systems shall be allowed as an accessory use in all zone districts, subject to the requirements set forth within this section.

E. General Regulations.

1. Height

- a. Roof mounted solar energy systems shall not exceed the maximum permitted height in the zone district for the structure or building on which they are mounted.
 - (1) For roof mounted solar energy systems installed on a sloped roof, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of 12 inches between the roof and highest edge or surface of the system. In no instance shall it extend above the ridge of a peaked roof.
 - (2) For roof mounted solar energy systems installed on a flat roof, the highest point of the system shall be permitted to extend up to 6 feet above the roof to which it is attached.
- b. Ground mounted solar energy systems shall not exceed 3 feet in height.

2. Setbacks and Location

- a. Roof mounted solar energy systems shall not extend horizontally past existing rooflines. Exterior piping associated with the roof mounted solar energy system shall be allowed to extend beyond the perimeter of the building on any façade of an accessory structure, and on all but any street facing façade or roof plane of a principal structure.
- b. Ground mounted solar energy systems shall be located in the rear yard only and shall meet the setback requirements set forth in §13.01G.
- c. Wall mounted solar energy systems shall meet the required setbacks for the structure onto which they are mounted.

3. Coverage

- a. Ground mounted solar energy systems shall be subject to the coverage requirements in 13.01H.
4. **Visibility** It is the intent of this section to reduce the visual impacts of solar collectors and solar mounting devices.
- a. Solar energy systems shall not be located on street facing roof planes or street facing facades (See Illustration No. 1). This provision shall not apply to solar energy systems mounted on accessory structures located within rear yard areas.
 - b. Solar collectors mounted on flat roofs shall be mounted behind a building parapet below the line of sight from the nearest edge of the right-of-way(s) adjacent to front and street side yards (See Illustration No. 2).
 - c. Building integrated solar energy systems may be visible from the public view.

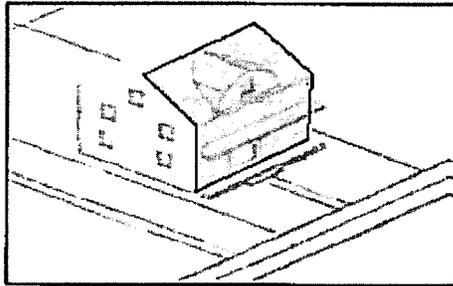


Illustration No. 1

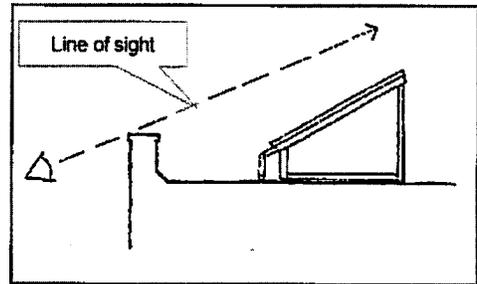


Illustration No. 2

5. **Glare**
- a. Solar collectors shall be oriented and/or screened so that any glare is directed away from any adjoining properties and streets.
 - b. All solar collectors shall be located so as to not create any additional heat load upon adjoining properties.
6. **Prohibition of advertising.** A solar energy system shall not be used to display permanent or temporary advertising, including signage, streamers, pennants, spinners, reflectors, banners, or similar materials.

F. Additional Submission Requirements. In addition to the application requirements in all applicable construction codes and the Town Land Use Ordinance, all applications for solar energy systems shall be accompanied by a property survey showing the proposed location or locations of the solar energy system and distance from property lines. In addition, photographs showing the property from the public view, and the location of the proposed solar energy system must be submitted so as to determine compliance with the visibility and other provisions of this ordinance.

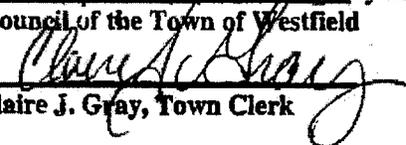
G. Right to Require Removal. The Town of Westfield expressly reserves the right to require the removal of any solar energy system, or portion

thereof, which is improperly constructed or maintained or which poses an imminent safety hazard.

- II. Effective Date. The within new Article 13.07 of the Land Use Ordinance shall not become effective until proper passage and publication in accordance with law.
- III. All ordinances or parts of ordinances in conflict or inconsistent with any part of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

H:\Don\Solar Regulation\solar_ordinance_westfield_draft_v3.docx

This is to certify that the within Ordinance is a true and exact copy of the Ordinance adopted on 7/13/16 by the Town Council of the Town of Westfield



Claire J. Gray, Town Clerk