

**AN ORDINANCE OF THE CITY OF VINELAND
AMENDING CHAPTER 425 ENTITLED “LAND USE”
OF THE CITY OF VINELAND TO ADDRESS SOLAR
ENERGY SYSTEMS**

WHEREAS, it is the purpose of this ordinance to create standards for the appropriate regulation of solar energy systems to support the use of renewable energy and reduce reliance on fossil fuels; and

WHEREAS, the City Council of the City of Vineland, a municipal corporation in the County of Cumberland, State of New Jersey, finds that the public health, safety, morals, and general welfare of the community shall be promoted by the revision and amendment of the Land Use Ordinance of the City pertaining to the use of solar electricity and water heating; and

WHEREAS, the Municipal Land Use Law at N.J.S.A. 40:55D-62a requires substantial consistency of the provisions regulating zoning and land use with the adopted Master Plan; and

WHEREAS, periodically, the Planning Board has reviewed the Master Plan of the City of Vineland and has make findings and recommendations for the revision of this document and its implementing ordinances; and

WHEREAS, the Planning Board completed such periodic reexamination report of the Master Plan on December 12, 2018 wherein various amendments and district boundary changes to the Land Use Ordinance were recommended; and

WHEREAS, the City Council formally refers this Ordinance to the Planning Board for examination, discussion, and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to Municipal Land Use Law at N.J.S.A. 40:55D-15; and

WHEREAS, this Ordinance does not involve a classification or boundary change requiring pubic notice to property owners under N.J.S.A. 40:55D-62.1.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Vineland that the Land Use Ordinance be hereby amended as follows:

Section 1. §425, Land Use, shall be revised to add Article XXVIII, Alternative Energy Systems, as follows:

Article XXVIII, Alternative Energy Systems

§425-385. Definitions

As used in this article, the following terms shall have the meanings indicated:

PHOTOVOLTAIC ROOF SHINGLE – A type of exterior building cover that serves the dual purpose of waterproofing a roof and producing electricity through conversion of solar radiation.

SOLAR ENERGY SYSTEM – A facility or structure(s) and all associated equipment, for producing electrical energy from photovoltaic technologies.

SOLAR PANEL – An elevated panel or plate, or a canopy or array consisting of such panels or plates that captures and converts solar radiation to produce power or hot water, and includes flat plate or boxed photovoltaic solar cells; but, shall not include solar reflective or concentrating technology (e.g., “solar furnace” or similar use).

§425-386. Solar Heating and Electricity Generation

- A. Purpose. The municipality, recognizing the increasing desire by its residents and business owners with the City for the production of electricity, heating, and hot water other than by means of centrally distributed public utilities, and further recognizing the objectives of the New Jersey Energy Master Plan in broadening the number of providers and methods for producing energy, promulgate this section of the Ordinance to encourage and create reasonable standards for solar energy use for to provide electricity, heating and hot water primarily for use in their domicile, farm or place of business, in accordance with the net metering rules of the NJ Board of Public Utilities.
- B. Accessory use. Solar heating and net metering electricity generation shall be permitted accessory uses and structures to any principal building in the municipality provided they are installed and operated in accordance with the provisions in this section and applicable local, state and federal law.
- C. Roof-mounted solar energy systems shall be required unless the owner is able to demonstrate to the satisfaction of the Zoning Officer that such mounting is impractical, infeasible or lacks the means to meet 80% of the average yearly demands for electricity or hot water for the facility to which it is associated. Standards for roof-mounted systems are as follows:
 - (1) For sloped roofs, no panel or other appurtenance of the solar energy system shall be affixed to a height greater than 18 inches from the roof surface.
 - (2) For flat roofs (which shall include roofs with a slope of up to ½ inch rise in 12 inches of run), no portion of the solar energy system shall rise above the height of the roof parapet.
 - (3) In a historic district or a historic site not in a district, no portion of a solar panel or its appurtenances shall be visible from a public right-of-way unless the system is composed of photovoltaic roof shingles on a sloped roof.
 - (4) No portion of a panel shall extend beyond the outside edge of the roof.
 - (5) Roof mounted systems shall be mounted parallel to the roof angle when visible from a public right-of-way.
 - (6) Roof mounted systems shall not exceed the maximum building height in the zoning district.
- D. Standards for ground-mounted systems including solar parking canopies.
 - (1) Demonstration that a roof-mounted system is impractical, infeasible or lacks the means to meet 80% of the average yearly demands for electricity or hot water for the facility to which it is associated.
 - (2) Ground-mounted systems shall not be located in a front yard.
 - (3) Ground-mounted systems shall meet the side and rear yard setback standards for accessory structures in the zone that the energy production facility is located.
 - (4) Ground-mounted facilities greater than 1,000 square feet of panel area shall meet the following additional requirements:
 - (a) One or more of the following shall be provided beneath the structures: meadow grass, lawn grass, cultivated agriculture land or parking spaces.
 - (b) Mounting of the solar structures shall minimize impervious surface coverage.

- (c) Ground-mounted systems shall have a solid screen of evergreen plantings and/or a fence along property lines abutting a residential use or a right-of-way (in the event of a reverse frontage lot).
 - (d) The minimum height of the screening shall be 6 feet when planted or installed, unless otherwise prohibited by this Ordinance.
 - (e) Existing vegetation shall be retained to the extent practical.
- (5) Solar facilities shall not be included in the calculation of maximum lot coverage or impervious cover, unless the area under the system consists of an impervious material.
- (6) All electrical control equipment shall be labeled and secured to prevent unauthorized access and to warn emergency personnel of the presence of equipment that generates electricity independently of the provision of public electrical power.
- E. Zoning Permit. Whenever site plan or subdivision approval is not required, a zoning permit shall be obtained for an alternate energy system as precedent to the issuance of any permit required pursuant to the New Jersey Uniform Construction Code.
- F. Notwithstanding anything herein to the contrary, no solar energy system of any size shall be approved and/or installed prior to the required application, review and approval by the City of Vineland Municipal Electric Utility Engineering Department determination of compliance with all City utility solar energy system requirements.

§425-387. Abandonment and Removal

- A. Any alternate energy system shall be considered abandoned if the system or facility is out of service or otherwise unused for a continuous 18-month period.
- B. The Zoning Officer may issue a Notice of Abandonment to the owner of an alternate energy system that is deemed to have been abandoned. The notice shall be sent by certified mail, return receipt requested, to the last known address of the owner.
- C. The owner shall have the right to respond to the Notice of Abandonment within 45 days from the mailing of the notice and provide such evidence as deemed appropriate to counter the abandonment claim.
- D. If the owner provides information demonstrating to the Zoning Officer that the alternate energy system facility has not been abandoned, no further action shall be taken.
- E. If the Zoning Officer determines that a solar heating or electricity generating system has been abandoned, the owner shall remove all solar heating panels and exterior plumbing, photovoltaic panels, photovoltaic shingles, inverters, interconnection hardware, racking and mounting structures at the owner's sole expense within 3 months after the owner receives the Notice of Abandonment.

§425-387. [RESERVED]

Section 4. Applicability. The provisions of this ordinance shall be applicable throughout the City of Vineland, and the Chapter 425 entitled "Land Development" of the Code of the City of Vineland shall be deemed amended accordingly.

Section 5. Continuation. In all other respects, the Zoning Ordinance of the City of Vineland shall remain unchanged.

Section 6. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision

shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part there of directly involved in the controversy in which such judgment shall have been rendered

Section 7. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the City of Vineland, then the restriction, which imposes the greater limitation, shall be enforced.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk