

FIRST READING

SECOND READING

Introduced by: Councilman Messler      Councilman Matejek  
Seconded by: Councilwoman Pacifico      Councilwoman Andre  
Roll call vote: Ayes: 6 Nays: 0      Ayes: 6 Nays: 0  
Absent:  
Date: 01/19/2021      02/16/2021

**ORDINANCE 1291-2021**

**AN ORDINANCE AMENDING CHAPTERS XXII AND XXIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAINSIDE BY MAKING SOLAR COLLECTION SYSTEMS AN ACCESSORY USE UNDER THE ZONING ORDINANCE AND SETTING THE APPLICATION FEE**

BE IT ORDAINED that Chapter XXII, Article 2, Section 202 of the Borough Code is hereby amended by:

the addition of the phrase "solar collection system," between the comma after the word "pool" and before the word "driveway."

the addition of a new definition as follows:

**270.1 Solar Collection System**

A panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

AND BE IT FURTHER ORDAINED Chapter XXII, Article 10, of the Borough Code is hereby amended by the addition of the following new Section 1016:

**1016 Solar Collection Systems**

Solar collection systems, as defined in Chapter XXII, Article 2, Section 270.1 of the Borough Code shall be considered an accessory use in all zoning districts. The purpose of this section is to establish regulations to govern the installation of solar collection systems. The following regulations shall apply:

1. **Permits.** No solar collection system shall be situated on any premises until an application has been made to the Borough Zoning Official for a permit allowing for the installation and use of such solar collection system, and such permit has been granted. The permit application shall include a sketch of the property where the installation is to occur, which sketch shall include the location of buildings on the property, the location of the solar collection system, the driveway, street, house number, utilities, approximate distances, and any fire hydrants on the property. The sketch shall also show the extent to which, if at all, any trees on the property are to be removed or trimmed. The application shall contain the mailing address and the contact numbers of the applicant, and the non-refundable application fee as set forth in Chapter XXIII, Fees of this code. Within ten (10) days of receipt of the application, the Borough Zoning Official shall visit the proposed site and either approve or disapprove the requested permit.
2. **Setbacks.** The requirements for location of the solar collection system shall be as specified for principal structures in this zoning ordinance for the zone in which the property is located.
3. **Height.** Freestanding collection systems shall not exceed five feet in height.
4. **Size.** Freestanding collection systems shall not exceed the greater of 1/2 the footprint of the principal structure or 1,000 square feet, whichever is the lesser.
5. **Solar collection systems are permitted to be located on the roof or exterior wall of a structure subject to the following:**
  - a. Solar Collection systems shall not extend above the roof line;
  - b. If the Solar Collection system is to be located on the roof or attached to a structure the application shall include a structural certification from the installer or other qualified professional.
6. **Code Compliance.** Solar collection systems shall comply with all applicable building and electrical codes;
7. **Solar collection systems may be located on accessory structures.**

8. If in the judgment of the Borough Zoning Official the installation will entail undue tree removal or trimming the application shall be referred to the Borough Land Use Board for further review and in any such case no permit shall issue until the application has been approved by the Borough Land Use Board.

9. In the event a solar collection system is situated on a property without a permit, the property owner/occupant shall submit an application as described above within twenty-four hours of an abatement notice; however, in such instances, the non-refundable application fee shall be set forth in Chapter XXIII, Fees of this code. Submission of an application shall not guarantee issuance of a permit.

10. Violations. The enforcement of Article 12 of the Borough Land Use Ordinance shall apply to this Section.

AND BE IT FURTHER ORDAINED Chapter XXII, Article 2, Section 202 of the Borough Code is hereby amended by the addition of the following new application fee:

Solar Collection System      Ch. 22-1016    \$50.00 per application

  
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Martha Lopez, Borough Clerk

  
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Paul N. Mirabelli, Mayor