



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE O-23-08

ADDING CHAPTER 21 (ZONING AND LAND USE REGULATIONS), SECTION 21-65.19A (“SOLAR ENERGY”) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS RELATED TO SOLAR ENERGY SYSTEMS

WHEREFORE, the Borough of Highlands Revised General Ordinances does not currently regulate solar panel systems; and

WHEREFORE, the Borough of Highlands believe it is in the best interests of the health, safety and welfare of the citizens of the Borough of Highlands for the Borough to regulate this use.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I. Borough Code Chapter 21, Section 65.19A entitled “Solar Energy” is hereby added to read as follows:

§ 21-65.19A Solar Energy.

Purpose. The purpose of this section is to provide a regulatory framework for the construction of Solar Energy Systems in the Borough of Highlands, subject to reasonable restrictions, which will preserve the public health, safety, and welfare, while also maintaining the character of the Borough of Highlands.

§ 21-65.19A.1 Definitions.

The following terms, when used in this section, shall have the following meanings:

- (1) **SOLAR ENERGY SYSTEM** — A solar energy system consisting of one (1) or more photovoltaic or solar hot water devices either building integrated, roof-mounted, or as a canopy as well as related equipment which is intended for the purpose of reducing or meeting the energy needs of the property's on-site principal use. Solar energy systems may generate energy in excess of the energy requirements of a property only if it is to be sold back to a public utility in accordance with the NJ Net Metering law.
- (2) **SOLAR ENERGY FACILITY** — An energy facility that consists of one or more ground-mounted, free-standing, or building-integrated solar collection devices, solar energy related equipment and other associated infrastructure with the primary intention of

generating electricity or otherwise converting solar energy to a different form of energy for primarily off-site use.

§ 21-65.19A.2 General Regulations.

(1) Regulations Applicable in All Residential Zones.

(a) Solar Energy Systems.

- (i) Solar energy systems shall be considered a permitted accessory use.
- (ii) Permitted types of solar energy systems: roof-mounted in the form of photovoltaic panels or roof tiles, canopy systems, ground-mounted systems.
- (iii) Photovoltaic panels or roof tiles shall be the same color.
- (iv) Edges of photovoltaic panels and arrays shall be parallel to the edges of the rooflines.
- (v) Solar energy systems shall meet all electrical, building and fire safety requirements in the New Jersey Construction Code.
- (vi) For a roof-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached as allowed by bulk requirements.

(2) Regulations Applicable to All Non-Residential Zones.

(a) Solar Energy Systems.

- (i) Solar energy systems shall be considered an accessory use.
- (ii) Permitted types of solar energy systems: roof-mounted in the form of photovoltaic panels or roof tiles and canopy systems.
- (iii) Photovoltaic panels or roof tiles shall be the same color.
- (iv) Edges of photovoltaic panels and arrays shall be parallel to the edges of the rooflines.
- (v) Solar energy systems shall meet all electrical and fire safety requirements in the New Jersey Construction Code.

- (vi) For a roof-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached as allowed by bulk requirements.
- (vii) For a roof-mounted system installed on a flat roof, the highest point of the system shall be permitted in accordance with Section 21-78.
- (viii) For parking canopies, a solar energy system may exceed the applicable maximum accessory structure height if it will cover an impervious surface parking area. Height may not exceed the height of the primary structure that the parking area serves. Minimum height of the parking canopy must allow clearance for emergency service and service vehicles.

SECTION III. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION IV. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION V. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

First Reading and Set Hearing Date for O-23-08:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's Office.

DATE OF VOTE: March 15, 2023

Nancy Tran, Municipal Clerk
Borough of Highlands

Public Hearing for O-23-08:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's Office.

DATE OF VOTE: May 17, 2023

Nancy Tran, Municipal Clerk
Borough of Highlands

Carolyn Broullon, Mayor