

**HAMPTON TOWNSHIP
ORDINANCE NO. 2025-12**

**AN ORDINANCE TO AMEND CHAPTER 108, ENTITLED “ZONING” OF THE
CODE OF THE TOWNSHIP OF HAMPTON, COUNTY OF SUSSEX, STATE OF
NEW JERSEY TO REGULATE SOLAR ENERGY SYSTEMS**

BE IT ORDAINED by the Township Committee of the Township of Hampton in the County of Sussex, as follows:

SECTION 1. Section 108-7, entitled “Definitions” of Article II, entitled “Word Usage; Construction and Application; Definitions” of Chapter 108, entitled “Zoning”, of the Code of the Township of Hampton, County of Sussex, State of New Jersey, is amended to add the following definitions:

SMALL SOLAR ENERGY SYSTEM

A solar energy system capable of producing no more than the lesser of 25 Kilowatts (25 KW) or 110 percent of the average of the three prior years’ electrical energy consumption.

SOLAR ENERGY SYSTEM

Roof-top and/or ground-mounted solar panels and/or solar arrays working in tandem, their mounting apparatus and all associated equipment that collect, store and distribute solar energy for heating, cooling or electricity generating.

SOLAR PANEL

A structure containing one or more photovoltaic or receptive cells, the purpose of which is to convert solar energy into useable electrical energy through the use of solar panels.

SOLAR ROOF TILE

A solar panel configured as a roof shingle that resembles or aesthetically appears to be a conventional asphalt, slate, wood or similar type roof shingle.

SECTION 2. Chapter 108, entitled “Zoning”, of the Code of the Township of Hampton, County of Sussex, State of New Jersey, is amended to add new Section 108-31.1, entitled “Solar Energy Systems”, which shall read as follows:

Section 108-31.1. Solar Energy Systems

A. Prohibitions:

1. Other than small solar energy systems, solar energy systems shall be prohibited in any zone within the Township except as and where expressly permitted by this Chapter.
2. In no case shall the total surface area occupied by a solar energy system exceed 10,000 square feet. A variance pursuant to NJSA 40A:55D-70(d)(1) shall be required to deviate from this requirement.
3. Ground-mounted systems are prohibited within any multi-family residential complex.

B. Site Plan Required for All Solar Energy Systems; Exceptions.

1. No solar energy system shall be installed without site plan approval by the Planning Board except for small solar energy systems that meet the requirements of this section and except as otherwise explicitly stated in this section.
2. Ground-mounted systems in non-residential zones shall be allowed, as an accessory use, for systems that meet the accessory structure setback requirements of the zone and other applicable requirements and shall be subject to the site plan review and approval process.
3. Solar energy systems located on canopies over parking areas shall require site plan review and approval. The specifics of each proposal, related to public safety, aesthetics and other factors, shall be taken into consideration by the Planning Board during the site plan review process.

C. Small Solar Energy Systems.

1. Small solar energy systems are permitted as an accessory use and structure in all zones throughout the Township, subject to the provisions of this section.
2. No more than one small solar energy system shall be permitted on a lot.
3. The solar panels and solar arrays of a small solar energy system may be roof-top mounted or ground-mounted and shall be located in the rear yard area only.
4. There shall be no limitation to the number of panels or solar roof tiles mounted on the roof of the principal and/or accessory structures located on the lot so long as they meet the definition of a small solar energy system.
5. Small solar energy systems shall meet the design and zoning standards set forth in this section.

D. Design standards for small solar energy systems.

1. Roof-mounted solar panels are to be securely attached or mounted to the roof.
2. The roof must be certified by an appropriate professional as structurally capable of accommodating the system.
3. The edges of the system must not be located less than 24 inches from the peak or sides of the roof as well as from the bottom of the roof. A 4-foot-wide access corridor on flat roofs shall be provided every 50 feet.
4. In no event shall the placement of solar panels result in a total height, including building and panels, greater than what is permitted in the zoning district in which they are located for the principal building.
5. The system must follow the pitch of the roof to the greatest extent possible but in no instance shall be elevated more than 6 inches above the roof line.
6. To the greatest extent possible, the system shall not be visible from public thoroughfares.
7. The frames of the panels shall be black in order to minimize the visual impact of the system.
8. All information about the system and its components shall be submitted to the Construction Official, with a copy to the Hampton Township Fire Department.
9. Changes to the system, once installed, are not permitted, without first obtaining permits from the Zoning Officer and Construction Official.
10. Any ground-mounted equipment associated with the system (excluding ground-mounted solar panels) must be depicted on a survey of the property and must comply with the accessory structure requirements of the zone.
11. For ground-mounted solar energy systems, all electric lines and utility wires shall be installed underground.
12. Ground-mounted solar energy systems shall be located so that any glare is directed away from an adjoining property.
13. No part of a ground-mounted solar energy system shall exceed a height of 15 feet.
14. Ground-mounted solar energy systems shall be screened from view with landscaping buffers and/or decorative fencing.
15. The anticipated life span of each system and anticipated means of removal and disposal shall be filed with the Construction Official.
16. In the event an applicant cannot meet the above conditions, an application may be made to the Planning Board for consideration of an exemption with the same procedures and proofs required pursuant to N.J.S.A. 40:55D-51.

E. Zoning standards for small solar energy systems.

1. All ground-mounted small energy solar systems shall be located closer to the principal residence of the property in question than to neighboring homes and property lines.
2. In the event an applicant cannot locate all or part of the proposed system on a roof or in a rear yard and is requesting to locate a ground-mounted solar array in the side yard area, an application shall be made to the Planning Board. A variance may be granted where the applicant's application can demonstrate that the location of the solar panel arrays on the roof of the residence (or other accessory structures on the lot) or in the rear yard is impracticable or that the location on the roof or in the rear yard will exact undue hardship because of conditions pertaining to the land or structures in question; and that, if located in a side yard, the array can be appropriately screened as required by this section.

3. If a variance is granted for all or part of a small solar energy system to be located within the side yard, the following bulk standards shall apply:
 - a. The system shall be situated in close proximity to the principal residence of the applicant but at minimum there shall be a setback of 10 feet from the property line.
 - b. The array shall be effectively screened from view from any street or adjacent properties by a continuous visual buffer of evergreen plantings having a minimum planted height of 48 inches and a maximum on-center planting spacing of 8 feet.
 - c. A deviation from the above bulk standards shall require the appropriate variance relief.
 - d. Ground-mounted systems in non-residential zones shall be allowed, as an accessory use, for systems that meet the accessory structure setback requirements of the zone and shall be subject to the site plan review and approval process.

F. Administration and Enforcement.

1. Upon completion of the installation, the applicant shall provide written notice of the existence of such small solar energy system to the emergency service providers (Hampton Township Fire Department) identifying the subject property by block and lot, street address and a graphic plan or narrative identifying the location of the electrical service disconnect for the solar energy system.
2. New Jersey Requirements – In addition to all of the requirements in this section, all systems shall adhere to the requirements of NJAC 5:70-2.21 and all other statutory and regulatory requirements of the State of New Jersey.
3. Pre-existing systems. Unless and until abandoned, replaced or substantially destroyed or in substantial disrepair, a small solar energy system existing at the time of the initial adoption of this section shall be exempt from the requirements hereof; however, the requirements of NJAC 5:70-2.21 shall apply to such a system.

G. Abandoned Solar Energy Systems.

1. A solar energy system that is out of service for a continuous twelve-month period shall be deemed to have been abandoned.
2. The Zoning Officer may issue a notice of abandonment to the owner. The notice shall be sent via regular mail and certified mail, return receipt requested, to the owner of record.
3. Any abandoned solar energy system shall be removed at the owner's sole expense within six months of the date on the notice of abandonment from the Zoning Officer. Prior to removal, the owner shall obtain a demolition permit from the Construction Official. Upon removal, the site shall be cleaned, restored and landscaped to blend with the existing surrounding vegetation at the time of the removal.
4. The Zoning and/or Code Enforcement Officer may issue a summons to the owner for failure to remove the abandoned system as requested in the notice of abandonment.
5. When the owner of the solar energy system had been notified to remove same and has not removed the system within six months after receiving the notice, the Township may pursue legal action to have the system removed at the owner's expense.
6. Solar panels removed from the site shall be deposited at a recognized solar panel recycling center. Panels that are not recycled must be disposed of in accordance with applicable law.

SECTION 3. If any article, section, subsection, paragraph, 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 and they shall remain in full force and effect.

SECTION 4. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern. All other ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 5. The Clerk is directed to give notice at least 10 days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

SECTION 6. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

CERTIFICATION

I hereby certify that Ordinance #2025-12 was adopted by the Hampton Township Committee at their regular meeting held on August 26, 2025 at the Hampton Township Municipal Building, Baleville, Sussex County, New Jersey.

Date: _____

Diana Juarez, RMC
Township Clerk

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance #2025-12 was introduced at a regular meeting of the Township Committee of the Township of Hampton, Sussex County, New Jersey, held on the 27th day of May 2025 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Township Committee to be held on the 26th day of August 2025 at the Municipal Building, One Rumsey Way, in the Township of Hampton, at 7:00 p.m., and remotely via Zoom if available, or remote only at the discretion of the Administrator or Mayor, at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance. To attend the meeting remotely use the following link: <https://us02web.zoom.us/j/4919500389>, or to attend the meeting by phone, dial 929-205-6099 (Meeting ID: 491 950 0389).

Diana Juarez, RMC
Township Clerk

**HAMPTON TOWNSHIP
NOTICE
ORDINANCE 2025-12**

NOTICE IS HEREBY GIVEN that the foregoing Ordinance #2025-12 was adopted at Final Reading at the regular meeting of the Township Committee of the Township of Hampton, County of Sussex held on Tuesday, August 26, 2025 at the Hampton Township Municipal Building, Baleville, N.J.

Diana Juarez, RMC
Township Clerk