



Township of Roxbury

1715 Route 46
Ledgewood, NJ 07852
www.roxburynj.us

cc: Admin
Plan

February 27, 2012

TO: Morris County Planning Board
Township of Chester
Borough of Hopatcong
Township of Jefferson
Borough of Mt. Arlington
Township of Mt. Olive
Township of Mine Hill
Borough of Netcong
Township of Randolph
Borough of Wharton

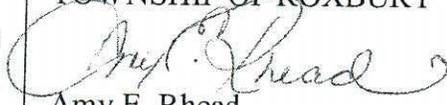
MAR - 5 2012

RE: **ORDINANCE NO. 06 - 12**

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XIII, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, LAND DEVELOPMENT ORDINANCE, ARTICLE VII, ZONING REGULATIONS BY INCLUSION OF A NEW SECTION 13-7.38, ENTITLED "SOLAR ENERGY FACILITIES"

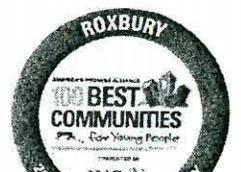
NOTICE IS HEREBY GIVEN that the enclosed Ordinance No. 06-12 was introduced at a Regular Meeting of the Township Council of the Township of Roxbury held on **February 21, 2012** and was read for the first time. This ordinance will be further considered for final passage by the said Township Council at the Municipal Building, 1715 Route 46 in Ledgewood, New Jersey at a meeting beginning at 7:30 p.m. to be held on **March 20, 2012** or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. Copies of this Ordinance are available in the office of the Township Clerk located in the Municipal Building, 1715 Route 46, Ledgewood, New Jersey.

Sincerely,
TOWNSHIP OF ROXBURY


Amy E. Rhead
Acting Township Clerk

Enclosure

cc: Roxbury Township Planning Board



Information
73-448-2000
Building & Construction
73-448-2009
Court
73-448-2034
Engineer
73-448-2018
Finance
73-448-2006
Fire Official
73-448-2012
Health
73-448-2028
Inspector
73-448-2002
Mayor and Council
73-448-2001
Police
73-448-2100
Planning
Zoning
73-448-2008
Public Works
73-448-2069
Recreation
73-448-2015
Assessor
73-448-2021
Collector
Utilities
73-448-2022
Technology
73-448-2099
Township Clerk
73-448-2001
Water Plant
73-448-5360
Wastewater Plant
73-448-2818

ORDINANCE NO. 06 – 12

**AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER XIII, OF THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF ROXBURY, LAND DEVELOPMENT ORDINANCE,
ARTICLE VII, ZONING REGULATIONS BY INCLUSION OF
A NEW SECTION 13-7.38, ENTITLED “SOLAR ENERGY FACILITIES”**

WHEREAS, The Mayor and Council of the Township of Roxbury have the authority to act to protect the health, safety and general welfare of the residents of the Township of Roxbury (the “Township”); and

WHEREAS, New Jersey’s renewable portfolio standards require each supplier/provider as defined at N.J.A.C. 14:8-1.2, that sells electricity to retail customers in New Jersey to provide a percentage of their retail electricity sales from renewable energy sources, 7.4% as of June 1, 2010 and increasing to 22.5% by June 1, 2021; and

WHEREAS, the Municipal Land use Law (N.J.S.A. 40:55D-2.n) provides intent to promote utilization of renewable energy resources; and

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-4) has defined wind, solar or photovoltaic energy facility or structure as an inherently beneficial use; and

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-66.11) provides that a renewable energy facility on a parcel or parcels of land comprising 20 or more contiguous acres that are owned by the same entity shall be a permitted use within every industrial district of the municipality; and

WHEREAS, a recent amendment to the Municipal Land Use Law (Senate Bill No. 2126) allows a solar or wind energy facility as a permitted use on landfills and closed resource extraction operations; and

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-95) exempts solar panels from being included in any calculation of impervious surface or impervious cover; and

WHEREAS, the above requirements have encouraged the development of alternative energy facilities, in particular alternative solar and photovoltaic energy facilities which can consume large amounts of land; and

WHEREAS, the Township has determined that there exists a need to regulate the use and placement of solar energy facilities in light of the current trend for the development of renewable energy generating systems and that existing zoning regulations do not address this emerging trend as it may impact existing land uses and natural resources in the Township; and

WHEREAS, the Township has considered recent legislation enacted in the State of New Jersey and the Township believes there is a need to balance the development of solar energy facilities with local land use goals and objectives of Roxbury Township while allowing for the development of solar photovoltaic energy facilities in an orderly way; and

WHEREAS, existing regulations in the Township of Roxbury do not specifically address solar energy facilities or systems; and

WHEREAS, The Mayor and Township Council have determined that it is in the best interest of the Township to regulate the installation of solar panels within the Township.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Roxbury, County of Morris and State of New Jersey as follows:

SECTION 1. Chapter XIII, Land Development Ordinance, Article VII, Zoning Regulations, is hereby amended and supplemented by the inclusion of a new Section 13-7.38, entitled "Solar Energy Facilities," which shall read as follows:

13-7.38 SOLAR ENERGY FACILITIES

13-7.3801 Definitions

For the purposes of this Section, the following terms shall have the following meanings:

- A. Solar Energy Facility** shall mean any apparatus and/or equipment that captures and converts solar radiation to produce usable heat and/or electrical energy.
- B. Solar Panel** shall mean an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce usable heat and/or electrical energy.

13-7.3802 Purpose

- A. Principal Use.** As a principal use, the primary purpose of a solar energy facility is for commercial solar energy production limited to ten megawatts (10MW), so that in no event a commercial system is generating energy on the scale of a public utility. However, this provision in no way is meant to prohibit the generation and sale of electricity to public utilities for profit.
- B. Accessory Use.** As an accessory use, the primary purpose of the solar energy facility is to provide power for the principal use of the property and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from an accessory solar energy facility to a supplier/provider. The sale of excess power shall be limited so that in no event a solar energy facility is generating more energy for sale than what is otherwise necessary to power the principal use on the property. For the

purposes of this ordinance, the generation of energy shall be limited to 120% of the average annual energy consumed for the principal use of the subject property.

13-7.3803 Permitted Use

- A. Principal Use.** A solar energy facility is permitted as a principal use on the site of a landfill or a closed resource extraction operation, and in the I-3, I-5, I-10, LI/OR and PO/LI Districts.
- B. Accessory Use.** Solar panels as a roof-mounted installation is permitted as an accessory use on all principal buildings in all zones. Solar panels as a ground-mounted installation, with associated equipment, is permitted as an accessory use in the I-3, I-5, I-10, LI/OR and PO/LI Districts on property conforming to the minimum lot size requirement for the respective zone.

13-7.3804 Required Conditions

A. Principal Use.

1. Minimum lot/tract size of 20 contiguous acres.
2. Maximum rated power output 10 megawatts.
3. Buildings shall comply with bulk regulations of the respective zone in which they are located.
4. Ground mounted solar panels and associated equipment shall not exceed a height of 12 feet measured from the lowest point beneath the solar panel/support/equipment to the highest point of the solar panel/support/equipment, above it.
5. The minimum setback of ground mounted solar panels from an adjoining right-of-way line shall be 100 feet, and 150 feet for arterial and major arterial roads.
6. The minimum setback from all other property lines shall be 100 feet.
7. In no case shall a solar energy facility encompass more than 50% of the lot area calculated by one perimeter measurement encompassing the entirety of the solar panels, associated equipment and buildings.
8. The natural grade of a property shall not be changed by more than three feet to accommodate the solar energy facility, with the exception of berms used for screening. All grading shall comply with Section 13-7.818 with respect to disturbance of steep slopes.
9. The solar energy facility shall be screened from adjoining properties and streets with landscaping, berms and/or fencing in compliance with Section 13-8.8. A continuous landscape buffer of 75 feet shall be provided along all roads and adjoining properties utilizing the design standards of Section 13-8.806.2 for transition buffers.
10. A vegetated surface shall be provided beneath the solar panels.
11. NJDEP approvals shall be obtained for the development of a solar energy facility on a landfill.

12. Electric utility approval to connect to the electric grid shall be provided as a condition of approval.
13. Compliance with stormwater management provisions of Section 13-8.4 is required.
14. A full-perimeter security fence shall be provided outside the setback areas. Where visible from adjoining properties or streets, all components of chain link fencing shall be black vinyl clad.
15. Compliance with Section 13-11 regulating tree removal and replacement is required.

B. Accessory Roof-Mounted Panels

1. Roof mounted solar panels and associated roof mounted equipment shall be installed with the panel parallel to the roofline and shall extend no more than 8 inches above the roof surface and shall not extend beyond the roof edge.
2. Where not screened by an existing parapet wall, the location of roof mounted solar panels and associated roof mounted equipment shall comply with principal building setbacks, and for non-residential structures be setback a minimum of 5 feet from the roof edge.
3. Ground mounted inverters and other equipment associated with the roof mounted solar panels are prohibited in the front yard. They shall be located adjacent to the rear and side principal building elevation and screened from adjoining properties and streets.
4. Roof mounted solar panels shall not exceed the height of a roof peak. Roof mounted panels shall not exceed the maximum building height of the respective zone.

C. Accessory Ground-Mounted Panels

1. Ground mounted solar panels and associated equipment are prohibited in the front yard and shall comply with the minimum required principal building side and rear yard setbacks for the respective zone.
2. In no case shall ground-mounted solar panels and associated equipment encompass more than 15% of the lot area.
3. Ground mounted solar panels and associated equipment shall not exceed a height of eight feet measured from the lowest point beneath the solar panel/support/equipment to the highest point of the solar panel/support/equipment, above it.
4. The natural grade of a property shall not be changed by more than one foot to accommodate the solar energy facility, with the exception of berms used for screening. All grading shall comply with Section 13-7.818 with respect to disturbance of steep slopes.
5. A vegetated surface shall be provided beneath the solar panels.
6. The solar energy facility shall be screened from adjoining properties and streets with landscaping, berms and/or fencing.

13-7.3805 General Conditions

- A. The design of a solar energy facility or system shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
- B. A solar energy facility shall not be used for displaying any advertisement except for reasonable identification of the manufacturer or operator of the system. In no case shall identification be visible from a property line or public right-of-way.
- C. Wire, cable, transmission lines, etc., running between solar panels or to any equipment or structure shall be installed underground.
- D. Where security fence is required for a ground mounted solar energy facility, same shall be black vinyl clad chain link fence, including posts, rails, and hardware, unless otherwise exempted.
- E. The solar energy facility shall be constructed to avoid solar reflection on adjoining properties as viewed from a second story level (20 feet above ground) and public roadways.
- F. The sound level of a solar energy facility shall not exceed 55 dBA when measured at any point on the property line, or 40 dBA at a residential property line.
- G. The installation of a solar energy facility shall be in compliance with the National Electric Code as adopted by the New Jersey Department of Community Affairs and at no time constitute a threat to public safety or welfare.

13-7.3806 Required Approval

- A. No solar energy facility shall be established or constructed unless a zoning permit and construction permit evidencing the compliance of such use or structure with the provisions of this Section shall have first been issued.
- B. Site plan approval in accord with Article III of the Township Land Development Ordinance shall be required for all ground-mounted solar panels proposed as a principal use or as an accessory use.

13-7.3807 Abandonment

- A. A solar energy facility that is out of service for a continuous twelve-month period will be deemed to have been abandoned. The Zoning Officer may issue a notice of abandonment to the owner. The notice shall be sent via regular and certified mail, return receipt requested, to the owner of record.
- B. An abandoned solar energy facility shall be removed at the owner's sole expense within six months after the owner receives a notice of abandonment from the municipality. If the facility is not removed within six months of receipt of notice from the Township notifying the owner of such abandonment, the Township may remove the facility as set forth below.

- C. When an owner of a solar energy facility has been notified to remove same and has not done so six months after receiving said notice, then the Township may remove such facility and place a lien upon the property for the cost of the removal. If removed by the owner, a demolition permit shall be obtained and the facility shall be removed. Upon removal, the site shall be cleaned, restored and landscaped as required by the Township to blend with the existing surrounding area.

SECTION 2. All ordinances of the Township of Roxbury which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. 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.

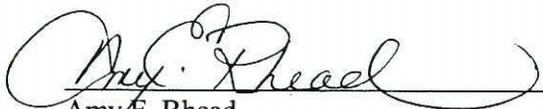
SECTION 4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was introduced in writing at a meeting of the Mayor and Township Council of the Township of Roxbury, County of Morris and State of New Jersey, held on the 21st day of February, 2012, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 20th day of March, 2012, at 7:30 p.m., prevailing time, at the Municipal Building in said Township, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

INTRODUCED: February 21, 2012

ADOPTED:

Attest:



Amy E. Rhead
Acting Township Clerk

EFFECTIVE DATE: