

WEST AMWELL TOWNSHIP

Ordinance 3, 2012

AN ORDINANCE TO AMEND ORDINANCE 3, 2011 AMENDING CHAPTER 109 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL (Renewable Energy Facilities)

BE IT RESOLVED by the West Amwell Township Committee that Ordinance 3, 2011 providing regulations regarding renewable energy facilities be amended by replacing Section II, Permitted Accessory Uses for 109-79, the SRPD District; 109-80, the RR-6 District; 109-81, the RR-5 District; 109-82, the RR-4 District; 109-83, the R-9 District; 109-84, the NC District; 109-86, the HC District and 109-87, the LHC District and replacing Section II, Permitted Accessory Uses for 109-85, the LI District and amending item 12 under Section III, Solar, Conditional Use Standards as follows:

Section II – SOLAR, ZONING

Chapter 109 of the Ordinances of West Amwell Township, Article II, District Regulations, permitted Accessory uses and Conditional uses in 109-79, the SRPD District; 109-80, the RR-6 District; 109-81, the RR-5 District; 109-82, the RR-4 District; 109-83, the R-9 District; 109-84, the NC District; 109-86, the HC District and 109-87, the LHC District is hereby amended and supplemented, by adding the following new subsections in the above Districts, as follows:

1. Permitted Accessory Uses – Minor solar or photovoltaic energy facilities or structures. Minor solar facilities shall be permitted to be ground mounted and mounted to principal and accessory structures and buildings, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12” beyond the edge of the roofline or 12” above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than 5 feet above the roof line.

In the case of a surface level or ground mounted system, the system shall be situated more than 50 feet from the nearest property boundary line and consist of 10 or fewer solar or photovoltaic panels. These facilities shall have setback requirements consistent with building regulations.

Minor solar ground mounted facilities of more than 10 panels or located less than 50’ from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit if the array is rated to produce more than 15 Kilowatts DC on a single property. These facilities shall have setback requirements consistent with building regulations and shall be fenced as per Section III.5.c.4 of this ordinance, unless the system is located a minimum of 8 feet above ground level. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district.

2. Conditional Uses - Major solar or photovoltaic energy facilities or structures.

Chapter 109 of the Ordinances of West Amwell Township, Article II, District Regulations, Permitted Uses, Accessory and Conditional uses in the 109-85, the LI District is hereby amended and supplemented, by adding the following new subsections in the above District, as follows:

1. Permitted Uses - Major solar or photovoltaic energy facilities or structures on a parcel or parcels of land comprising 20 or more contiguous acres that are owned by the same person or entity.

2. Permitted Accessory Uses – Minor solar or photovoltaic energy facilities or structures. Minor solar facilities shall be permitted to be ground mounted and mounted to principal and accessory structures and buildings, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12” beyond the edge of the roofline or 12” above the highest point of the

roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than 5 feet above the roof line.

In the case of a surface level or ground mounted system, the system shall be situated more than 50 feet from the nearest property boundary line and consist of 10 or fewer solar or photovoltaic panels. These facilities shall have setback requirements consistent with building regulations.

Minor solar ground mounted facilities of more than 10 panels or located less than 50' from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit if the array is rated to produce more than 15 Kilowatts DC on a single property. These facilities shall have setback requirements consistent with building regulations and shall be fenced as per Section III.5.c.4 of this ordinance, unless the system is located a minimum of 8 feet above ground level. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district.

Section III – SOLAR, CONDITIONAL USE STANDARDS

12. The use of lead-acid batteries shall not be permitted in major solar energy systems and facilities except as standby power supplies for control systems. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment.

ADOPTION

Upon adoption this Ordinance will be incorporated into and become part of the Code of the Township of West Amwell.

REPEALER

All Ordinance and parts of Ordinances inconsistent with this Ordinance are hereby repealed.

EFFECTIVE DATE

This Ordinance shall take effect immediately upon final passage and publication as provided by law, and upon filing a copy thereof with the Hunterdon County Planning Board in accordance with N.J.S.A. 40:55D-16.

APPROVED BY TOWNSHIP COMMITTEE

George A. Fisher, Mayor

ATTEST:

Lora L. Olsen, RMC

Township Clerk

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed on first reading at a meeting of the governing body of the Township of West Amwell, in the County of Hunterdon, State of New Jersey, held on January 25,

2012. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the municipal building, 150 Rocktown-Lamb. Rd., Lambertville NJ on February 22, 2012 at 7:00 p.m. All interested parties will be heard at this time.