

PLEASE TAKE NOTICE that the following Ordinance was introduced on first reading by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey at a meeting held on the 7th day of July, 2011. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage at a public hearing to be held on the 4th day of August, 2011 at a meeting beginning at 7:00 PM at the Municipal Building located at the corner of County Route 519 and Oak Grove Road, Kingwood Township, New Jersey, at which time all interested persons will be heard.

ORDINANCE NO. 16 – 20 – 2011

AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES OF THE TOWNSHIP PERTAINING TO WIND ENERGY FACILITIES AND STRUCTURES.

WHEREAS, the Kingwood Township Committee recognizes that it is desirous of amending and supplementing existing ordinance provisions pertaining to the installation of wind energy facilities and structures in a manner that better serves the public interest and general goals and objectives of the Kingwood Township Master Plan; and

WHEREAS, the Kingwood Township Committee seeks to revise required setbacks for wind energy facilities and to incorporate substantial protections relating to the aesthetic aspects of wind energy facilities and structures and public safety;

NOW, THEREFORE, be it ordained by the Mayor and Township Committee of the Township of Kingwood as follows:

SECTION I - CHAPTER 132 – ZONING, of the Ordinances of Kingwood Township, **ARTICLE I, General Provisions, §132-4. Definitions** is hereby amended and supplemented, as follows:

Add the following new definition:

SMALL WIND ENERGY SYSTEM -A wind energy conversion system, consisting of a wind turbine, a tower, and associated control or conversion electronics, that is used to generate electricity and has a nameplate capacity of 100 kilowatts or less.

SECTION II - CHAPTER 132 – ZONING, of the Ordinances of Kingwood Township, **ARTICLE I, General Provisions, §132-50. Accessory buildings, uses and structures** is hereby amended and supplemented, as follows:

A.- C. NO CHANGE

D. Repealed and replaced in its entirety with the following new Subsection D, to read as follows:

§132-50.D. Small wind energy systems.

- (1) Minimum lot size: 20-acres.
- (2) The maximum height shall be 180' including any portion of the rotor and blades when in operation.
- (3) The small wind energy system shall be setback from any property line and any occupied residential structure a minimum distance of 100' or 150 percent of the system height, whichever is greater, provided that the small wind energy system shall cast no shadow on adjacent property, which shall be demonstrated to the satisfaction of the reviewing / approving Board or Township Official issuing a permit for the proposed small wind energy system. The demonstration that the small wind turbine shall cast no shadow on adjoining properties shall be calculated on the shortest day of the year, when the sun's daily maximum position in the sky is the lowest of the year.
- (4) The wind generator and the tower may be located in side and rear yard areas only. Associated control or conversion electronics, wiring and utility poles that are necessary for connection and power consumption on the property shall be set back from all property lines as prescribed in §132-50.F. below.
- (5) The wind generator and the tower shall remain painted or finished in the color or finish that was originally applied by the manufacturer, unless a different color or finish is approved by the approving authority.
- (6) The small wind generator and tower shall be enclosed within a fenced compound or suitable security barrier to restrict access to all exterior ground mounted equipment and components of the small wind energy system. Such fence or security barrier shall be of sufficient height to comply with electrical and building code requirements, but in no case shall be less than 6' in height. The fence or security barrier shall be visually screened from off-site view with evergreen trees, which shall be planted in double rows, staggered 15' on center, adjacent to the fence or security barrier.
- (7) The small wind generator tower shall be fitted with anti-climbing devices or suitable barriers to prevent climbing on the tower.
- (8) The small wind generation tower shall comply with §132-54E "Performance standards for all uses." Acceptable noise levels shall be calculated through the use of computer modeling to demonstrate that sound pressure levels comply with noise limits set forth in §132-54E. Noise level modeling shall be subject to approval by the Township Engineer.
- (9) There shall be no signs visible from any public road or neighboring property posted on a small wind generator system or any associated building, except for the manufacturer's or installer's identification, appropriate warning sign, or owner identification.
- (10) Abandonment.
 - (a) A small wind energy system that is out-of-service for a continuous 12-month period will be deemed to be abandoned. The Zoning Officer shall issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to be abandoned. The

notice shall be sent return receipt requested.

(b) The property owner shall have 30 days to respond to the Notice of Abandonment from the receipt date of the Notice.

(c) If the property owner provides information that demonstrates the small wind energy system has not been abandoned, the Zoning Officer shall withdraw the Notice of Abandonment and notify the property owner that the Notice has been withdrawn.

(d) If the Zoning Officer determines the small wind energy system has been abandoned, the property owner shall remove the facility in its entirety at the owner's sole expense within 3 months after the owner receives the Notice of Abandonment.

(e) If the property owner fails to remove the facility in the time allowed under (d) above, then the Township may remove such system and place a lien on the property for the cost of the removal.

(11) The small wind energy system shall not cause flickering shadows on adjoining properties.

(12) The small wind energy system shall not be visible from any portion of the Delaware River and its Tributaries included in the National Wild and Scenic Rivers System.

(13) Documentation shall be provided demonstrating that the small wind energy system complies with all applicable building and electrical codes, and electrical and structural design criteria of the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act and any technical bulletins issued pursuant to N.J.S.A. 40:55D-66.13.

E. Repealed and replaced in its entirety with the following new Subsection E, to read as follows:

“E. Height and area of accessory buildings and structures. The height and area of accessory buildings shall be as prescribed in Article II.”

F. Repealed and replaced in its entirety with the following new Subsection F, to read as follows:

“F. Location. An accessory building may be erected in side and rear yard areas only at no less distance from the front lot line than the principal structure and shall be set back from side and rear lot lines as prescribed in Article III, and the Schedule of Lot and Building requirements located at the end of this chapter, except that, if erected on a corner lot, the accessory building shall be set back from the side street to comply with the setback line applying to the principal building for that side street, and except further that no poultry or livestock shelter shall be erected nearer than 100 feet to any lot line.”

SECTION III - CHAPTER 132 – ZONING, of the Ordinances of Kingwood Township, **ARTICLE I, General Provisions, §132-35 BP Business Park District** is hereby amended and supplemented, as follows:

A. NO CHANGE

B.
(1) – (9) NO CHANGE

(10) (NEW) Wind Energy Systems, in accordance with the provisions found at §132-50.D.

C. - K. NO CHANGE

SECTION IV - All other provisions of Chapter 132 – Zoning, of the Ordinances of Kingwood Township not modified herein shall remain unchanged and in full force and effect.

SECTION V - If the provisions of any article, section, subsection, paragraph, subdivision, clause or application of the Ordinance shall be judged invalid by any Court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph, subdivision, clause or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION VI - This ordinance may be renumbered for codification purposes.

SECTION VII - This Ordinance shall take effect immediately upon final passage, publication according to law, and filing with the Hunterdon County Planning Board.

**TOWNSHIP COMMITTEE OF
TOWNSHIP OF KINGWOOD**

Phillip Lubitz, Mayor

Attest: August 4, 2011

**Mary E. MacConnell, RMC
Township Clerk**

Introduced: July 7, 2011

Publication:

Final Adoption:

Publication by Title Only: