

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 **2nd day of February, 2012**. 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 **1st day of March 2012**, at a meeting beginning at **7:00 PM** at the Municipal Building located on the corner of County Road 519 and Oak Grove Road, Kingwood Township, New Jersey, at which time all interested persons will be heard.

ORDINANCE NO. 17 – 02 - 2012

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 “SMALL WIND ENERGY SYSTEMS”.

WHEREAS, the Township Committee of Kingwood Township, Hunterdon County, New Jersey is desirous of updating and amending zoning regulations as they pertain to small wind energy systems as permitted accessory uses in certain zoning districts throughout the Township and establishing uniform bulk and performance standards for these uses.

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

SECTION ONE. Amend §132-4 “Definitions” to include 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 TWO. Amend and supplement “Accessory uses permitted” to include “Small wind energy systems in accordance with the provisions of §132-50.D” as follows:

- a. Amend and supplement §132-30.C. by adding the following new subsection for the AR-2 Zone:
§132-30.C.(10) Small wind energy systems in accordance with the provisions of §132-50.D;
- b. Amend and supplement §132-31.C. by adding the following new subsection for the VR-1 and VR-2 Zones:
§132-31.C. (6) Small wind energy systems in accordance with the provisions of §132-50.D;
- c. Amend and supplement §132-33.C. by adding the following new subsection for

the For the VC-1 and VC-2 Zones at
§132-33.C. (7) Small wind energy systems in accordance with
the provisions of §132-50.D; and

- d. Amend and supplement §132-38.C. by adding the following new subsection for
the VC-1 and VC-2 Zones:

§132-38.C. (6) Small wind energy systems in accordance with
the provisions of §132-50.D.

SECTION THREE. Replace §132-50., subsection D., 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 when
in operation.
- (3) The minimum setback of the small wind energy system from any property
line shall be 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) The small wind energy system shall comply with all applicable building and electrical codes.

SECTION FOUR. Amend §132-50.E to repeal the following provision “except for energy-generating equipment driven by wind, including structures, towers or poles, which, if it meets the setback requirements described in Subsection D. above, may be such height as necessary to function adequately, provided that the structure, tower or pole complies with all building and electrical codes.” so that Subsection E. shall now 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.”

SECTION FIVE. Amend §132-50.F. “Location.” to repeal the following provision: “; provided, however that energy-generating equipment driven by wind, including

structures, towers or poles, may be erected in any yard, provided that it meets the setback requirement set forth in Subsection D.” so that Subsection F. shall now 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 SIX. Amend §132-35.B. Permitted principal uses for the BP Business Park Zone, to add the following permitted principal uses, which shall read as follows:

(9) Major solar or photovoltaic energy facilities or structures in accordance with the provisions found at §132-60.A.

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

SECTION SEVEN - 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 EIGHT - 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 NINE - This ordinance may be renumbered for codification purposes.

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