

ORDINANCE NO. 20 – 14 - 2020

ORDINANCE AMENDING CHAPTER 132, ZONING OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY

WHEREAS, Kingwood Township has identified revisions that should be made to the zoning requirements with respect to commercial solar facilities to better protect the Township’s residents, as well as its rural and agricultural nature,

NOW, THEREFORE BE IT ORDAINED by the Township Committee of Kingwood Township as follows:

Section 1. Chapter 132, Zoning, Article IV, Supplemental Regulations, Subsection 132-60, Solar and/or photovoltaic energy facilities and structures is hereby amended as follows:

A.

(1) – (5) No Change

(6) (a) [1] No Change

(a) [2] Soil erosion control, soil stabilization. All ground areas occupied by the major solar or photovoltaic energy facility or structure installation that are not utilized for access to operate and maintain the installation shall be planted and maintained with native, non-invasive shade tolerant grasses and native, non-invasive shade tolerant wildflower mix for the purpose of soil stabilization and providing forage for pollinators. A seed mixture of native, non-invasive shade tolerant grasses and native, non-invasive shade tolerant wildflower shall be specified in a landscaping plan that shall be submitted to and approved by the applicable land use board. The use of stone shall not be permitted for soil erosion control and soil stabilization. The components of this plan may be combined with the requirements of the grading and drainage Plan in §132-60A(9) below.

(a) [3] No Change

(7) – (10) No Change

(11) Except for areas of the tract (or tracts) that may be forested or farmed, areas not occupied by solar or photovoltaic energy facilities and structures, berms and landscaping shall be planted with suitable ground cover consisting of native, non-invasive grasses and native, non-invasive wildflowers for soil stabilization and to promote forage for pollinators. Ground areas beneath the major solar and photovoltaic energy facilities and structures and alternative energy systems shall not be covered with stone.

(12) – (16) No change

(17) Solar and photovoltaic energy facility inverters and switch gear equipment shall be fully enclosed within an acoustical enclosure that will provide a minimum transmission loss (TL) of approximately 34 dBa and shall be set back from all property lines by not less than 150 feet. Such acoustical enclosures shall include at least two means of ingress and egress for emergency response. The final design of the enclosure will incorporate appropriate materials to achieve the minimum TL requirements. Consideration will be given to acoustical properties of doors and penetrations in the enclosure such as air intakes and exhausts. Acoustical grade louvers shall be utilized at these openings. All exterior surfaces of such structures shall be neutral tones.

(18) No change.

(19) The solar facility shall be subject to inspection by the Township Engineer on an annual basis. An escrow shall be established with the Township to perform this inspection. The facility owner will be provided with written notice within 14 days of any deficiencies identified during the inspection. Correction of any deficiencies identified shall be completed within 60 days after receipt of such notification. The following items will be subject to inspection:

(a) Landscaping:

[1] Landscape buffer plantings shall be properly maintained. Necessary pruning on an as-needed basis shall be implemented to promote the viability of the plant material and to maintain solar access;

[2] The grass in the array fields shall be maintained at a height no greater than 24 inches and no less than 6 inches;

[3] The grass within the array fields shall be inspected annually for the following:

a. bare areas: the grass cover shall be maintained, and any bare areas shall be covered with topsoil, mulched and seeded as required;

b. erosion: any eroded area shall be restored to its approved condition, as required;

[4] Any dead or dying shrubs or trees shall be replaced by the owner throughout the life of the facility.

(b) Access roads shall be inspected annually for rutting and erosion and repaired as required; and

(c) All fencing, solar panels, equipment buildings, access roads, and security measures shall be inspected annually for their condition and appearance.

Section 2. Chapter 132, Zoning, Article VI, Conditional Uses, Subsection 132-102, Standards for approval is hereby amended as follows:

A. – O. No Change

P.

(1)(a) No Change

(1)(b) In the AR-2 Zone, the minimum lot size shall be 20 acres, and there shall be provided open lands, which shall not be occupied by any component of the major solar or photovoltaic energy facility, and shall be permanently deed restricted from further development, subject to the following regulations:

[1] On all tracts of land 40 acres or greater in size, or a tract or tracts of land of any size adjacent to land which has been deed restricted for farmland or open space preservation, or a tract identified as or adjacent to greenway or open space lands in the Kingwood Township Master Plan, Open Space Plan or Farmland Preservation Plan, no major solar or photovoltaic energy facility shall occupy more than 50% of the gross tract area, provided that the remaining 50% of gross tract area shall be dedicated as open lands, which shall contain a minimum of 30% of the unconstrained tract area.

[2] For all tracts of lands less than 40 acres in size developed for major solar or photovoltaic energy facilities, the developer shall preserve, as lands preserved for farmland use, through transfer of the development rights to Kingwood Township equal in area to the area of land dedicated to use in connection with the solar or photovoltaic energy facility. The land preserved for farmland use shall include an area of unconstrained lands that is not less than 30% of the total combined tract area of the properties being used for the solar facility and to meet the preserved land requirements of this ordinance.

[3] Farm structures and not more than one residential farm dwelling supporting continuing farm operations on the open lands portion of the site shall be permitted; provided, however, that areas occupied by farm buildings, the residential farm dwelling, and appurtenant residential areas shall not be counted toward the open lands requirement set forth in §132-102P(1)(b)[1] and [2] above.

(2)-(12) No Change

Section 3. – REPEALER: All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 4. – SEVERABILITY: Each section, subsection, sentence, clause and phrase of this article is declared to be an independent section, subsection, clause and phrase, and the finding or holding of any such portion of this article to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this article.

Section 5. – EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication according to law.

**TOWNSHIP COMMITTEE OF
TOWNSHIP OF KINGWOOD**

Thomas Ciacciarelli, Mayor

Attest: November 5, 2020

Cynthia L. Keller
Township Clerk, RMC

Introduction: October 1, 2020
Publication: October 15, 2020
Final Adoption: November 5, 2020
Publication By Title Only: November 12, 2020

ROLL CALL	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
R Dodds						
M Syrnick						
T Ciacciarelli						

I, Cynthia L. Keller, Clerk of the Township of Kingwood, County of Hunterdon and State of New Jersey do hereby certify the foregoing to be a true copy of Ordinance No. 20-14-2020 adopted by the Kingwood Township Committee on November 5, 2020.

Cynthia L. Keller, RMC
Township Clerk