

ORDINANCE 2013-10

AN ORDINANCE AMENDING CHAPTER 188 (DEVELOPMENT REGULATIONS), ARTICLE I (TITLE; PURPOSE; DEFINITIONS) AND ARTICLE IV (DESIGN AND PERFORMANCE STANDARDS) OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO REVISE THE DEFINITION OF ACCESSORY BUILDING, STRUCTURE OR USE IN SECTION 188-3 AND TO AMEND SECTION 188-76A IN ORDER TO REVISE THE REQUIREMENTS FOR SOLAR ENERGY SYSTEMS

BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey as follows:

Section 1. Chapter 188 of the Code of the Township of Hillsborough shall be amended by revising the definition of Accessory Building, Structure or Use in Section 3 to read as follows:

ACCESSORY BUILDING, STRUCTURE OR USE- Subordinate to the principal building, structure or use and located on the same lot.

Section 2. Chapter 188 of the code of the Township of Hillsborough shall be amended by adding a new Section 76A(5) to read as follows:

(5) Solar energy systems, as defined herein, using both existing and experimental technologies, are included as permitted accessory buildings, structures or uses in conjunction with residential, commercial and industrial buildings, except that solar energy systems shall be considered a permitted use for all properties containing at least 20 acres that are located in all industrial districts. When not attached to the building or within the building footprint (known as ground mounted), solar energy systems in conjunction with residential, commercial and industrial buildings must meet all accessory use bulk requirements for the particular zone district in which the property is located and a minimum 50 foot landscaped buffer from any property line must be provided. Site plan review is required for any ground mounted solar energy system in conjunction with a commercial or industrial building. When attached directly to and positioned within the footprint of said structure, only the necessary building permits are required.

(6) A ground mounted solar energy system shall be a permitted accessory building, structure or use in conjunction with any farm subject to compliance with the following applicable requirements established by the State Agriculture Development Committee (SADC):

(a) No more than 10 acres of a farm property are permitted to be covered by solar installation.

- (b) For every one (1) acre in solar installation, five (5) acres must be in agriculture.**
- (c) There is a 2 megawatt cap for producing power from the solar installation.**
- (d) A Conservation Plan must be approved by the Soil Conservation District.**
- (e) A minimum buffer/setback of 100 feet must be provided from any solar installation**

to

the property line. The required buffer shall consist of one of the following:

- [1]. Landscaped area at least ten (10) feet wide, including fencing or walls, as appropriate.**
- [2]. Landscaped berm at least three (3) feet in height.**

(f) The maximum solar panel height shall be 20 feet.

(g) The noise generated by a solar installation shall not exceed 40 dBA at any property line.

(h) In addition, for any preserved farm, the solar installation must be sized to meet 110%

of the previous calendar year's energy demand; the solar installation shall occupy no more than 1% of the entire farm and farmland assessment criteria must be met.

Any farm where a ground mounted solar energy system exceeds the SADC requirements, as provided above, is not permitted. In addition, a minimum 100 foot buffer to any property line shall be provided for all ground mounted solar energy systems located on any farm. The required buffer shall consist of one of the following:

- [1]. Landscaped area at least ten (10) feet wide, including fencing or walls, as appropriate.**
- [2]. Landscaped berm at least three (3) feet in height.**

(7) The following applies to all ground mounted solar energy systems:

(a) There is no impervious coverage requirement.

(b) A landscape plan is required for the buffer area.

(c) The property owner is responsible for the maintenance of the solar panels in the solar

energy system installation, as well as the landscaped areas in conjunction with the solar energy system.

(d) The property owner is required to remove the solar energy system when no longer operational.

(e) Adequate emergency access shall be provided to and within the facility.

(f) Adequate security must be provided around the perimeter of the facility.

Section 3. Severability. If any provisions of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable there from.

Section 4. Effective Date. This ordinance shall take effect immediately upon passage and publication according to law.

ATTEST

TOWNSHIP OF HILLSBOROUGH

Pamela Borek
Township Clerk

Frank DelCore, Mayor

Introduced: 4/09/13
Published: 4/18/13
Public Hearing: 5/14/13
Adopted: 5/14/13
Published: 5/23/13