

ORDINANCE NO. 2019 - 13

**AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY
ESTABLISHING CHAPTER 55-192 OF THE TOWNSHIP CODE
ENTITLED “REGULATION OF SOLAR ENERGY FACILITIES”**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean and State of New Jersey as follows:

SECTION 1. Chapter 55 of the Township Code entitled “Land Use” and specifically Section 192 thereof entitled “Regulation of Solar energy Facilities” is hereby established and shall read as follows:

A. Definition of Solar Energy Facilities.

The definition of “Solar Energy Facility” shall be as defined in §55-305B of the Township Code.

B. Ground Mounted Solar Energy Facilities.

Ground Mounted Solar Energy Facilities shall be a permitted accessory use requirement in any zone on property with a minimum lot size of one (1) acre, subject to the following conditions:

- (1) The solar collectors and accessory equipment setback shall be fifty (50) feet or the accessory building setback requirement of the applicable zoning district, whichever distance is greater. For contiguous properties under common ownership the setback may be reduced to zero (0) feet along the common property lines.
- (2) The height of the solar collectors and any mounts shall not exceed eight (8) feet when oriented at maximum tilt.
- (3) All projects are net-metered projects limited in annual energy generation capacity to the previous calendar year’s energy demand.
- (4) All solar or photovoltaic energy systems that disturb 5,000 square feet or more of soil shall require major site plan approval.
- (5) When a new driveway or road is required for access to the solar or photovoltaic systems, the surface shall be suitable to accommodate maintenance as well as emergency vehicles.

- (6) All solar or photovoltaic energy system installations must be performed by a qualified installer, and prior to operation the electrical connections must be inspected by the Township or other appropriate electrical inspection agency as determined by the Township. In addition, any interconnection to the public utility grid must be inspected by the appropriate public utility.
- (7) Landscaped vegetative screening shall be required, as well as fencing as may be determined appropriate by the Township, between any ground-mounted solar collectors or any ground-mounted equipment for any energy system and adjacent existing residential dwellings and public streets in accordance with the following:
 - (a) The overall purpose of the landscaped screening is to obscure or substantially buffer the view of the solar energy system year-round.
 - (b) The landscaped screening shall be comprised of a minimum of one (1) evergreen tree, at least six (6) feet high at time of planting, plus two (2) supplemental shrubs at the discretion of the Township, all planted within each ten (10) linear feet of the area to be screened.
 - (c) Existing vegetation may be used to satisfy all or a portion of the required landscaped screening.
 - (d) Any fencing shall be at least six (6) feet in height.
- (8) Solar panels shall not be included in any calculation of impervious surface or impervious cover in accordance with N.J.S.A. 40:55D-38.1
- (9) Ground areas beneath solar panels shall be planted with a seed mixture of native, non-invasive shade tolerant grasses in order to prevent soil erosion and the spread of weeds or other invasive species and to promote biodiversity and a natural habitat; the ground area shall be mowed on a regular basis.
- (10) All Solar Energy Facilities shall comply with the current edition Building Code and all other applicable codes and industry standards.
- (11) All piping must be buried underground.

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C. Pole Mounted Solar Energy Facilities.

Pole Mounted Solar Energy Facilities shall be a conditional use requirement in any zone, subject to the following conditions:

- (1) The solar collectors and accessory equipment setback shall be fifty (50) feet or the accessory building setback requirement of the applicable zoning district, whichever distance is greater. For contiguous properties under common ownership the setback may be reduced to zero (0) feet along the common property lines.
- (2) The height of the solar collectors and any mounts shall not exceed ten (10) feet when oriented at maximum tilt.
- (3) All projects are net-metered projects limited in annual energy generation capacity to the previous calendar year's energy demand.
- (4) All solar or photovoltaic energy systems that disturb 5,000 square feet or more of soil shall require major site plan approval.
- (5) When a new driveway or road is required for access to the solar or photovoltaic systems, the surface shall be suitable to accommodate maintenance as well as emergency vehicles.
- (6) All solar or photovoltaic energy system installations must be performed by a qualified installer, and prior to operation the electrical connections must be inspected by the Township or other appropriate electrical inspection agency as determined by the Township. In addition, any interconnection to the public utility grid must be inspected by the appropriate public utility.
- (7) Landscaped vegetative screening shall be required, as well as fencing as may be determined appropriate by the Township, between any ground-mounted solar collectors or any ground-mounted equipment for any energy system and adjacent existing residential dwellings and public streets in accordance with the following:
 - (a) The overall purpose of the landscaped screening is to obscure or substantially buffer the view of the solar energy system year-round.
 - (b) The landscaped screening shall be comprised of a minimum of one (1) evergreen tree, at least six (6) feet high at time of planting, plus two (2) supplemental shrubs

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at the discretion of the Township, all planted within each ten (10) linear feet of the area to be screened.

- (c) Existing vegetation may be used to satisfy all or a portion of the required landscaped screening.
- (d) Any fencing shall be at least six (6) feet in height.
- (8) Solar panels shall not be included in any calculation of impervious surface or impervious cover in accordance with N.J.S.A. 40:55D-38.1
- (9) Ground areas beneath solar panels shall be planted with a seed mixture of native, non-invasive shade tolerant grasses in order to prevent soil erosion and the spread of weeds or other invasive species and to promote biodiversity and a natural habitat; the ground area shall be mowed on a regular basis.
- (10) All Solar Energy Facilities shall comply with the 2015 Building Code and all other applicable codes and industry standards.
- (11) All piping must be buried underground.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law

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NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the 3rd day of September, **2019**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 1st day of October, **2019**, at 10:00 AM. at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

MICHELE RIVERS, RMC
Township of Barnegat

CERTIFICATION

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing Ordinance 2019-13 was introduced and passed at a meeting of the Township Committee on the 3rd day of September, 2019, and finally adopted after Public Hearing at a meeting held on the 1st day of October, 2019 in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ

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Michele Rivers, RMC
Municipal Clerk