

**LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2017-12

AN ORDINANCE TO AMEND CHAPTER XIII OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, ENTITLED "ZONING",
REGARDING GROUND-MOUNTED SOLAR PANELS AND REVIEW PROCEDURES
AND FEES

WHEREAS, the Land Use Board of the Township of Lafayette has reviewed its current zoning ordinances and determined that changes are necessary in order to properly allow and regulate ground-mounted solar panels in the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lafayette that Chapter XIII of the Revised General Ordinances of the Township of Lafayette, Zoning, shall be and is hereby amended as follows:

Section 1. §13-6.17.d(1) shall be deleted in its entirety and replaced as follows:

1. A renewable energy system must comply with all setback requirements for accessory buildings for the zoning district where the system is to be installed, unless otherwise set forth in subsection 13-6.17.

Section 2. §13-6.17.f shall be revised by addition of the following:

All solar energy systems shall comply with the accessory structure setbacks and the requirements of section 13-13G.

Section 3. §13-6.17.f.2 shall be deleted in its entirety and replaced as follows:

Ground-mounted solar panels. Ground-mounted solar panels shall be considered accessory structures. Ground-mounted solar panels are to provide buffering sufficient to protect Township interests and the interests of adjoining neighbors and the neighborhood in general.

The accessory setbacks as required by the applicable zone shall be required between any ground-mounted solar panel and any lot line. Ground-mounted solar panels shall not exceed a height of fifteen (15) feet.

Ground-mounted solar panels, to the extent possible, shall not be visible from the public traveled way (public roads, trails, navigable waterways, scenic highways and bi-ways), publicly owned properties, open space, preserved farmland and historic resources, including sites and buildings listed or eligible for listing on the State and National Registers of Historic Places. To the extent achievable, solar panels shall be sited using the natural topography to screen the various components of the energy system from public view and the view of any adjoining residences.

- i. Development Review Requirements and Procedures for Ground-Mounted Solar Panels.

Applicants for zoning permits and/or building permits of ground-mounted solar panels where no approvals from the Land Use Board are required shall initially apply for a Ground-Mounted Solar Panel Certificate of Compliance of Buffering to determine whether sufficient buffering is provided. The applicant shall utilize a plan or sketch to identify the type of ground-mounted solar panels proposed, and detail the proposed buffer treatments as required below. All determinations concerning buffering of ground-mounted solar panels shall be made by the Township Zoning Officer.

A Certificate of Compliance shall be issued by the Zoning Officer to document that the proposed ground-mounted solar panels meet the requirements of this section for buffering. The Certificate of Compliance shall be required as a condition for the issuance of a building permit for all renewable energy systems.

Where it is clearly demonstrated to the satisfaction of the Township Zoning Officer, on a sketch or plan as required in this section, that the proposed ground-mounted solar panels: 1) will not negatively impair the visual character of the area; 2) the proposed development does not involve subdivision, site plan, conditional use, variance or other Land Use Board approval; and 3) the proposed development complies with the general requirements and design requirements, standards and limitations set for in subsection 13-6.17, a Ground-Mounted Solar Panel Certificate of Compliance may be administratively issued by the Zoning Officer.

If an application for ground-mounted solar panels does not comport with the requirements of this section, an application shall be made to the Lafayette Township Land Use Board.

The fees for an application for a Ground-Mounted Solar Panel Certificate of Compliance from the Township Zoning Officer, and the fees for an application to the Lafayette Township Land Use Board for determination regarding the renewable energy system buffering shall be as set forth in Sections 14-5, 14-6, and Schedules H & I.

Section 5. A new §13-8.3.g shall be adopted to permit renewable energy systems as an accessory use in R-5.0, R-4.0, and R-2.5 Residential Districts as follows:

g. Renewable Energy Systems, subject to the requirements of 13-6.17.

Section 6. §14-5, Schedule H shall be revised by the addition of the following:

2. Miscellaneous Costs:

17. Application to the Land Use Board for Ground-Mounted Solar Panel Certificate of Compliance to the Township Zoning Official: \$200.00

18. Application to the Land Use Board for Ground-Mounted Solar Panel Certificate of Compliance: \$500.00

Section 7. §14-6 Schedule I shall be revised by the addition of the following:

7. Ground-Mounted Solar Panel Certificate of Compliance Application: \$500.00

Section 8. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such provision(s) shall be deemed severable, and the remaining portions of this Ordinance shall remain in full force and effect.

Section 9. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 10. This Ordinance may be renumbered for codification purposes.

Section 11. The Township Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this ordinance as finally adopted, with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16.

Section 12. This Ordinance shall take effect after publication and passage according to law.

NOTICE

The above entitled Ordinance was introduced and passed at first reading by the Lafayette Township Committee at a meeting held on June 7, 2017 and after publication and a public hearing was finally adopted by the Lafayette Township Committee at a meeting held on July 5, 2017.

Mayor:

Municipal Clerk: