

**LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2019-09

AN ORDINANCE AMENDING CHAPTER XIII OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, ZONING, SECTIONS 13-5 AND 13-
6.17 REGARDING SMALL COMMUNITY SOLAR SYSTEMS

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 permit small community solar systems.

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. §13-5 “Definitions” shall be amended by the addition of the following:

Small Community Solar System shall mean a solar energy system, whose solar production is shared by off-site members of the system and who currently obtain their electricity from the utility in which the Community Solar System is located, as intended by N.J.S.A. 48:3-87.11 and the NJ Community Solar Energy Pilot Program, N.J.A.C. 14:8-9.1-11, either roof or ground mounted, which occupies a maximum area of one (1) acre, and which system shall be no larger than 50kW in size, and shall be permitted as an accessory use on the same lot as a principal use or as a principal use in all districts, subject to the requirements of this ordinance.

Section 2. §13-6.17a “Purpose” shall be deleted in its entirety and replaced as follows:

a. Purpose

1. The primary purpose of a renewable energy system shall be to provide power for the principal use of the property whereon said system is to be located and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a renewable energy system designed to meet the energy needs of the principal use. For the purposes of this ordinance, the sale of excess power shall be limited, so that in no event is a renewable energy system generating more energy for sale than what is otherwise necessary to power the principal use on the property.
2. A small community solar system shall also be a permitted purpose of a renewable energy system.

Section 3. Section 13-6.17(b) shall be deleted in its entirety and replaced as follows:

- b. *Applicability.* Small wind energy and solar energy systems shall be permitted as an accessory use on the same lot as the principal use in all districts, and small community solar systems shall be permitted as a principal or accessory use in all districts, subject to the requirements of this section. Renewable energy systems shall be a permitted use on any lots comprising twenty (20) or more contiguous acres owned by the same person or entity within the LI Light Industry and EI Extractive Industry Districts. This subsection shall not apply to roof-mounted solar energy systems which systems and equipment extend twelve (12) inches or less

beyond the roofline or highest point of the roof structure on which the system is located. This subsection shall also not apply to ground-mounted solar energy systems that consist of ten (10) or less panels, and are situated more than fifty (50) feet from the nearest property boundary line.

- Section 4.** 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 5.** 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 6.** This Ordinance may be renumbered for codification purposes.
- Section 7.** 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 8.** 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 on June 5, 2019 and after publication and a public hearing was finally adopted by the Lafayette Township Committee at a meeting held on July 2, 2019.

Mayor:

Municipal Clerk: