

PITTSGROVE TOWNSHIP

ORDINANCE NO: _____

AN ORDINANCE AMENDING CHAPTER 60
OF THE MUNICIPAL CODE FOR THE
TOWNSHIP OF PITTSGROVE,
SALEM COUNTY, NEW JERSEY

WHEREAS, the Township of Pittsgrove has adopted a land use and development ordinance as authorized in the New Jersey Municipal Land Use Law; and

WHEREAS, the Pittsgrove Township Planning Board has recommended revisions to Chapter 60 of the Municipal Code, and the Mayor and Township Committee concur in those recommendations; and

WHEREAS, the recommended revisions will facilitate orderly development and accommodate new technology.

NOW THEREFORE, BE IT ORDAINED, on this _____ day of _____, 2010 by the Mayor and Township Committee for the Township of Pittsgrove, Salem County, New Jersey as follows:

Section 60-4.C. “Terms defined” shall be revised to add the following definitions:

ALTERNATIVE ENERGY GENERATOR FACILITY – A Class I renewable energy generating facility which (1) supplies wind- and/or solar-generated electric energy on the customer’s side of the meter pursuant to the net metering requirements of *N.J.A.C. 14:8-1.1, et seq.*; (2) has a “Level 1” power rating of 10 kW or less; (3) is certified pursuant to *N.J.A.C. 14:8-5.3*; and (4) meets the Level 1 interconnection review procedures of *N.J.A.C. 14:8-5.4*.

PRIVATE COMMUNICATION DEVICE – Any antenna, satellite dish, or other device for television, radio, telephone, internet, or other communications signal or data transmission or reception, whether free-standing or mounted on a tower, pole, building or other structure, and including any tower, pole, building or other structure that is primarily for the purpose of supporting such antenna, satellite dish, or other device.

SOLAR ENERGY GENERATOR FACILITY STRUCTURE – An alternative energy generator facility component that supplies solar-generated electric energy.

TOTAL WIND TURBINE HEIGHT – The distance measured from ground level to the turbine blade of a wind energy generator facility structure extended at its highest point.

WIND ENERGY GENERATOR FACILITY STRUCTURE – An alternative energy generator facility component that supplies wind-generated electric energy.

Section 60-4.C. “Terms defined” shall be revised to delete the last sentence from the definition of ANTENNA STRUCTURES, which section will now read:

ANTENNA STRUCTURES – Microwave or satellite dish or solid, structure-type antennas, whether or not permanently affixed, or other antennas affixed to a permanent foundation shall be considered a structure within the meaning of this Chapter and must meet all setback, yard and other requirements of this Chapter.

Section 60-4.C. “Terms defined” for the word HEIGHT will be revised to read:

HEIGHT – The vertical distance from the average ground elevation around the foundation to the level of the highest point of the structure. Unless subject to specific height requirements that are expressly set forth in this Ordinance (such as in the case of alternative energy generator facilities, local wireless communications facilities, and private communication

devices), conventional accessories to structures, such as chimneys, spires, and elevator enclosures, shall not be included in the height calculation.

Section 60-42.E. (7)(b) “Agricultural buffer strips” will be revised to read:

Said buffer strip shall be restricted by deed and by final subdivision plat or site plan against construction of any buildings, structures or recreation facilities such as a swimming pool or tennis court, other than fences, walls, drainage facilities, alternative energy generator facilities, and local wireless communications facilities, and against removal of any screen of trees or hedges, so long as the adjacent land is assessed or qualified as farmland under the New Jersey Farmland Assessment Act or is actively farmed should the Farmland Assessment Act be revoked or substantially modified.

Section 60-105. shall be revised to read:

§ 60-105. Alternative energy generator facilities.

Alternative energy generator facilities may be installed as accessory structures/uses in all zoning districts subject to the following conditions:

A. Alternative energy generator facilities are subject to the following requirements:

- (1) The alternative energy generator facility must be an accessory structure/use relative to the principal structure/use at the lot on which it is located. The primary purpose of the alternative energy generator facility must be to provide electrical power to and for the principal structure/use of the lot on which it is located. Only one alternative energy generator facility may be installed per lot, although a single alternative energy generator facility may be comprised of a combination of one or more rooftop-mounted and/or ground-based solar energy generator facility structures, and may also include no more than one wind energy generator facility structure.
- (2) Except as otherwise provided in subsections B. and C., below, an alternative energy generator facility must conform to all applicable accessory use or structure requirements set forth in the Schedule of District Regulations for the zoning district(s) in which the lot is located, based on the principal use or structure that the alternative energy generator facility serves (provided that rooftop- or wall-mounted alternative energy generator facilities and their component structures must comply with the requirements applicable to the structure on which they are mounted). Additionally, no free-standing or ground-based alternative energy generator facility or component thereof may be located between the principal use or structure on the lot and any street line of the lot unless the free-standing or ground-based alternative energy generator facility is set back no less than 150 feet from all street lines of the lot and the lot meets all width and frontage requirements of the zoning district(s) in which the lot is located.
- (3) No alternative energy generator facility or component thereof may display signs or advertising, nor may an alternative energy generator facility or component thereof display words, numbers, or symbols that are visible from any adjoining lot line or street line.
- (4) No alternative energy generator facility or component thereof may be artificially lighted.
- (5) All structures and equipment comprising an alternative energy generator facility must comply with applicable building and construction code requirements.
- (6) All equipment and wires relating to the alternative energy generator facility must be located on the same lot as the principal structure/use.
- (7) All wiring from the alternative energy generating facility or components thereof to the principal structure/use’s grid connection must be installed within or along the

walls of the principal structure (in the case of rooftop-mounted solar energy generator facility structures), or underground (in the case of wind energy generator facility structures, or free-standing or ground-based solar energy generator facility structures).

- (8) All alternative energy generation equipment installations shall require a zoning permit application clearly stating that the applicant proposes to construct and use a Class I renewable energy generating facility which (1) supplies wind- or solar-generated electric energy on the customer's side of the meter pursuant to the net metering requirements of *N.J.A.C. 14:8-1.1, et seq.*; (2) has a "Level I" power rating of 10 kW or less; (3) is certified pursuant to *N.J.A.C. 14:8-5.3*; and (4) meets the Level 1 interconnection review procedures of *N.J.A.C. 14:8-5.4*. The application must include a plan of the lot and other documents and materials that confirm compliance with this Section and all other applicable requirements of this Chapter 60, which plan, documents and materials must depict and include:
 - i. All lot lines and street lines.
 - ii. Location, dimension and types of all existing and proposed structures on the lot.
 - iii. Location, dimensions and type of all wind- and/or solar energy generating facility structures and other components of the proposed alternative energy generating facility.
 - iv. Any trees over 8 inches in diameter as measured at a point four feet from the ground which will be removed from the lot (all applications are subject to § 60-76.H with regard to proposed tree removal).
 - v. Drawings, specifications, and other information as may be necessary to confirm compliance with all applicable building and construction codes, and other regulatory and technical requirements.
 - vi. If an alternative energy generator facility includes a wind energy generator facility structure, a certification by a New Jersey licensed engineer confirming that it will conform with the 55-decibel sound limit set forth in subsection B.(8), below.

B. Each alternative energy generator facility that includes a wind energy generator facility structure must meet the following additional standards:

- (1) A minimum lot size of 3 acres is required.
- (2) The wind energy generator facility structure must be free-standing, ground-based, and inaccessible to the general public.
- (3) No more than one wind energy generator facility structure may be installed or constructed at any lot; however, a wind energy generator facility structure may be installed or constructed on the same lot with one or more solar energy generator facility structures as part of a single alternative energy generator facility.
- (4) The wind energy generator facility structure must be set back from all lot lines and street lines a distance of no less than 150% of the height of the wind energy generator facility structure, or a distance that conforms to the applicable minimum yard setback requirement, whichever is greater.
- (5) No wind energy generator facility structure may exceed 80 feet in height at its highest point, regardless of whether the highest point is the "total wind turbine height" as defined in this Ordinance, or the highest point of the support structure, nacelle, vane, or any other component of the wind energy generator facility structure.

- (6) All components of wind energy generator facility structures must be made of corrosive resistant material or have a corrosion resistant coating.
 - (7) All wind turbines or other circulating or moving components of wind energy generator facility structures must be painted a non-reflective color.
 - (8) Except during periods of wind speed measuring 55 miles per hour or more (10 or higher on the Beaufort scale) the sound levels for wind energy generator facility structures shall not at any time exceed 55 decibels as measured from any lot line or street line of the lot on which the wind energy generator facility structure is located. Conformance with this requirement must be confirmed based on technical specifications by certification of a New Jersey Licensed professional engineer pursuant to subsection A.(8)(vi), above, as part of any zoning permit application for an alternative energy generator facility that includes a wind energy generator facility structure.
- C. Each alternative energy generator facility that includes one or more solar energy generator facility structures must meet the following additional standards:
- (1) Rooftop-mounted solar energy generator facility structures:
 - i. May not exceed the height limitations applicable to the building on which they are located.
 - ii. May not extend beyond the roof edge at any point.
 - (2) Ground-based solar energy generator facility structures:
 - i. Must be set back a minimum of 40' from any rear or side lot line in any zoning district, or any greater minimum setback distance as may be required by the applicable Schedule of District Regulations for the proposed alternative energy generator facility as an accessory structure/use to the principal structure/use it will serve.
 - ii. May not exceed 15 feet in height.
- D. Unless exempt from site plan requirements pursuant to § 60-17.B. (1), all proposed alternative energy generator facilities must also receive site plan approval or waiver by the Planning Board pursuant to § 60-17.B.
- E. Abandonment
- (1) An alternative energy generator facility that is out of service for a continuous 12-month period shall be deemed abandoned. The zoning officer may issue a notice of abandonment to the owner of the property on which an abandoned alternative energy generator facility is located. The property owner shall have the right to respond to the notice of abandonment within 30 days from the receipt date. The zoning officer shall withdraw the notice of abandonment and notify the property owner that the notice has been withdrawn if the property owner provides the zoning officer with information demonstrating the alternative energy generator facility has not been abandoned. If the alternative energy generator facility is determined to be abandoned, the owner of the property on which the alternative energy generator facility is located shall remove the alternative energy generator facility from the property at the property owner's sole expense within three months of receipt of notice of abandonment. If the property owner fails to remove the alternative energy generator facility from the property, the municipality may pursue a legal action to have the alternative energy generator facility removed from the property at the property owner's expense.
 - (2) In addition to or in lieu of the forgoing, any alternative energy generator facility which is out of service for 12 months and/or neglected in a manner to create a

public safety hazard or be harmful to the public welfare may be declared “cast-out junk” under Township Ordinance Chapter 73 and subject to removal/demolition.

Section 60-105.1. shall be added to read:

§ 60-105.1. Private communication devices.

Private communication devices may be installed as accessory structures/uses in all zoning districts subject to the following conditions:

A. Private communication devices are subject to the following requirements:

- (1) The private communication device must be an accessory structure/use relative to the principal structure/use at the lot on which it is located. The sole purpose of the private communication device must be to provide television, radio, telephone, internet, or other communications signal or data transmission or reception for the principal structure/use of the lot on which it is located.
- (2) Except as otherwise provided in subsection B., below, a private communication device must conform to all applicable accessory use or structure requirements set forth in the Schedule of District Regulations for the zoning district(s) in which the lot is located, based on the principal use or structure that the private communication device serves (provided that rooftop- or wall-mounted private communication devices must comply with the requirements applicable to the structure on which they are mounted). Additionally, no free-standing or ground-based private communication device except for a free-standing or ground-mounted satellite dish antennae that is forty (40) inches or less in diameter may be located between the principal use or structure on the lot and any street line of the lot unless the free-standing or ground-based private communication device is set back no less than 150 feet from all street lines of the lot and the lot meets all width and frontage requirements of the zoning district(s) in which the lot is located.
- (3) No private communication device may display signs or advertising, nor may a private communication device display words, numbers, or symbols that are visible from any adjoining lot line or street line.
- (4) No private communication device may be artificially lighted.
- (5) All structures and equipment comprising a private communication device must comply with applicable building and construction code requirements.
- (6) All equipment and wires relating to the private communication device must be located on the same lot as the principal structure/use.
- (7) All wiring from the private communication device to the principal structure/use’s grid connection must be installed within or along the walls of the principal structure (in the case of rooftop- or wall-mounted private communication devices), or underground (in the case of free-standing or ground-based private communication devices).
- (8) Rooftop- or wall-mounted private communication device equipment must comply with all applicable requirements of this Section, but do not require a zoning permit application.
- (9) No more than three (3) free-standing or ground-based private communication devices may be installed or constructed at any lot at any one time.
- (10) A free-standing or ground-based private communication device, including free-standing or ground-mounted satellite dish antennae of any size, must be set back from all lot lines and street lines a distance of no less than 150% of the height of the private communication device, or a distance that conforms to the applicable minimum yard setback requirement, whichever is greater.

(11) No free-standing or ground-based private communication device may exceed 80 feet in height at its highest point, regardless of whether the highest point is an antenna, satellite dish, or any other component of the private communication device.

(12) All free-standing or ground-based private communication device equipment installations, including those involving a free-standing or ground-mounted satellite dish antennae of any size, shall require a zoning permit application clearly stating that the applicant proposes to construct and use a private communication device as an accessory structure/use relative to the principal structure/use at the lot on which it is located for the sole purpose of providing television, radio, telephone, internet, or other communications signal or data transmission or reception for that principal structure/use. The application must include a plan of the lot and other documents and materials that confirm compliance with all applicable requirements of this Section, which plan, documents and materials must depict and include:

- i. All lot lines and street lines.
- ii. Location, dimension and types of all existing and proposed structures on the lot.
- iii. Location, dimensions and type of the proposed private communication device.
- iv. Any trees over 8 inches in diameter as measured at a point four feet from the ground which will be removed from the lot (all applications are subject to § 60-76.H with regard to proposed tree removal).
- v. Drawings, specifications, and other information as may be necessary to confirm compliance with all applicable building and construction codes, and other regulatory and technical requirements.

B. Unless exempt from site plan requirements pursuant to § 60-17.B. (1), all proposed private communication devices must also receive site plan approval or waiver by the Planning Board pursuant to § 60-17.B.

C. Abandonment

(1) A private communication device that is out of service for a continuous 12-month period shall be deemed abandoned. The zoning officer may issue a notice of abandonment to the owner of the property on which an abandoned private communication device is located. The property owner shall have the right to respond to the notice of abandonment within 30 days from the receipt date. The zoning officer shall withdraw the notice of abandonment and notify the property owner that the notice has been withdrawn if the property owner provides the zoning officer with information demonstrating the private communication device has not been abandoned. If the private communication device is determined to be abandoned, the owner of the property on which the private communication device is located shall remove the private communication device from the property at the property owner's sole expense within three months of receipt of notice of abandonment. If the property owner fails to remove the private communication device from the property, the municipality may pursue a legal action to have the private communication device removed from the property at the property owner's expense.

(2) In addition to or in lieu of the foregoing, any private communication device which is out of service for 12 months and/or neglected in a manner to create a public safety hazard or be harmful to the public welfare may be declared "cast-out junk" under Township Ordinance Chapter 73 and subject to removal/demolition.

The Pittsgrove Township Schedule of District Regulations designated 60:A1 for the A Agricultural Zoning District shall be revised to provide that “Windmills per § 60-105” shall be listed as item B.9.

The Pittsgrove Township Schedule of District Regulations for the B-1 Neighborhood Business Zoning District shall be renumbered to provide that “Energy conservation devices and private communications facilities as per § 60-105” be designated B.8.

The Pittsgrove Township Schedule of District Regulations for the C Conservation Zoning District shall be revised to renumber the conditional use “Windmills as per § 60-105” to be designated B.3.

The Pittsgrove Township Schedule of District Regulations for the C Conservation Zoning District shall be revised for that section designated as accessory uses such that “Energy conservation devices and private communication facilities” shall be numbered C.8.

The Pittsgrove Township Schedule of District Regulations for the HB-40 Highway Business Zoning District shall be revised in the conditional use section to renumber “Windmills, energy conservation devices and private communication facilities as per § 60-105” to be B.6.

The Pittsgrove Township Schedule of District Regulations for the HB-56 Highway Business Zoning District shall be revised in the conditional use section to renumber “Windmills, energy conservation devices and private communication facilities as per § 60-105” to be B.7.

The Pittsgrove Township Schedule of District Regulations for the MC-1 Industrial/Commercial Zoning District shall be revised in the conditional use section to renumber “Windmills, energy conservation devices and private communication facilities as per § 60-105” to be B.6.

The Pittsgrove Township Schedule of District Regulations for the P Public Zoning District shall be revised in the conditional use section to renumber “Windmills per § 60-105” to be B.5.

The Pittsgrove Township Schedule of District Regulations for the P Public Zoning District shall be revised in the accessory use section to renumber “Energy conservation devices and private communication facilities as per § 60-105” to be C.5.

The Pittsgrove Township Schedule of District Regulations for the PHB Planned Highway Business Zoning District shall be revised in the conditional use section to renumber “Windmills, energy conservation devices and private communication facilities as per § 60-105” to be B.6.

The Pittsgrove Township Schedule of District Regulations for the R-1 Residential Zoning District shall be revised in the conditional use section to renumber “Windmills per § 60-105” to be B.10.

The Pittsgrove Township Schedule of District Regulations for the R-1 Residential Zoning District shall be revised in the accessory use section to renumber “Energy conservation devices and private communication facilities as per § 60-105” to be C.10.

The Pittsgrove Township Schedule of District Regulations for the R-2 Residential Zoning District shall be revised in the conditional use section to renumber “Windmills per § 60-105” to be B.7.

The Pittsgrove Township Schedule of District Regulations for the R-2 Residential Zoning District shall be revised in the accessory use section to renumber “Energy conservation devices and private communication facilities as per § 60-105” to be C.8.

The Pittsgrove Township Schedule of District Regulations for the R-3 Residential Zoning District shall be revised in the accessory use section to renumber “Energy conservation devices and private communication facilities as per § 60-105” to be C.6.

The Pittsgrove Township Schedule of District Regulations for the R-4 Residential Zoning District shall be revised in the accessory use section to renumber “Energy conservation devices and private communication facilities as per § 60-105” to be C.11.

The Pittsgrove Township Schedule of District Regulations for the RR Rural Residential Zoning District shall be revised in the conditional use section to renumber “Windmills per § 60-105” to be B.15.

The Pittsgrove Township Schedule of District Regulations for the RR Rural Residential Zoning District shall be revised in the accessory use section to renumber “Energy conservation devices and private communication facilities as per § 60-105” to be C.11.

THIS ORDINANCE shall take effect upon adoption and publication according to law.

TOWNSHIP OF PITTSGROVE

Linda A. DuBois, Mayor

ATTEST:

Constance S. Garton, Clerk

CERTIFICATION

The foregoing ordinance was introduced at a regular meeting of the Pittsgrove Township Committee held on the 25th day of August, 2010 and will be considered for final passage and adoption at a meeting to be held on the 8th day of September, 2010 at 7:30 p.m. in the Township Municipal Building, 989 Centerton Road, Pittsgrove, NJ, at which time any person interested therein will be given an opportunity to be heard.

Constance S. Garton, Clerk