

Ordinance No. 2351-19
ORDINANCE AMENDING THE
LAND USE ORDINANCE
OF THE TOWNSHIP OF LAWRENCE
TO REVISE SECTIONS 201, 431 AND 530
TO ADDRESS SOLAR AND WIND ENERGY SYSTEMS
AND ELECTRIC VEHICLE CHARGING STATIONS

WHEREAS, it is the purpose of this ordinance to create standards for the appropriate regulation of solar and wind energy systems, and electric vehicle charging stations, to support use of renewable energy and reduce reliance on fossil fuels; and

WHEREAS, the Township Council of the Township of Lawrence, a municipal corporation in the County of Mercer, State of New Jersey, finds that the public health, safety, morals, and general welfare of the community shall be promoted by the revision and amendment of the Land Use Ordinance of the Township pertaining to §201 entitled Definitions, §431, entitled Provisions Applying to All Districts, and §530, entitled Parking, Loading Areas and Driveways, and

WHEREAS, the Planning Board of the Township of Lawrence has adopted a Master Plan that comprehensively provides for the appropriate use, regulation and development of lands in the Township in a manner which will promote the public health, safety, morals, and general welfare; and

WHEREAS, the Municipal Land Use Law at *N.J.S.A. 40:55D-62a* requires substantial consistency of the provisions regulating zoning and land use with the adopted Master Plan; however, a governing body may adopt a zoning ordinance or zoning map wholly or partly inconsistent with such land use plan element provided that the reasons for so doing are set forth in a resolution and recorded in its minutes; and

WHEREAS, the Planning Board of the Township of Lawrence has adopted an Environmental Sustainability Plan Element of the Master Plan that encourages the use of renewable energy sources and local production of renewable energy, and therefore favorably recommends to the Township Council that the regulations pertaining to §§201 and 431 be so amended; and

WHEREAS, this Ordinance does not involve a classification or boundary change requiring public notice to property owners under *N.J.S.A. 40:55D-62.1*.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Lawrence that the Land Use Ordinance be hereby amended as follows:

Section 1. §201, Definitions, shall be revised to add the following definitions:

ELECTRIC VEHICLE PARKING SPACE – A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electrical energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

PHOTOVOLTAIC ROOF SHINGLE – A type of covering that serves the dual purpose of waterproofing a roof and producing electricity through conversion of solar radiation.

SOLAR ENERGY SYSTEM – A facility or structure(s) and all associated equipment, for producing electrical energy from photovoltaic technologies.

SOLAR PANEL – An elevated panel or plate, or a canopy or array consisting of such panels or plates that captures and converts solar radiation to produce power or hot water, and includes flat plate or boxed photovoltaic solar cells; but, shall not include solar reflective or concentrating technology (e.g., “solar furnace” or similar use).

WIND ENERGY SYSTEM – A wind generator and all associated equipment, including any base, blade, foundation, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component necessary to fully utilize the wind generator.

WIND GENERATOR – Equipment that converts energy from the wind into electricity. This term includes the rotor, blades and associated mechanical and electrical conversion components necessary to generate, store and/or transfer electrical energy.

WIND TURBINE – A monopole, freestanding, or guyed structure that supports a wind generator turned by means of wind energy against blades or vanes.

Section 2. §431, Provisions Applying to all Districts, shall be revised to add paragraph N, Wind and Solar Energy Systems, as follows:

N. Wind and Solar Energy Systems.

1. Wind Energy Systems.

a. Purpose. The municipality, recognizing the increasing desire by its residents and business owners within the Township for the production of electricity other than by means of centrally distributed public utilities, and further recognizing the objectives of the New Jersey Energy Master Plan in broadening the number of providers and methods for producing energy, promulgate this section of the Ordinance to encourage and create reasonable standards for wind energy use for small wind energy systems providing electricity primarily for use in their domicile, farm or place of

business in accordance with the net metering rules of the NJ Board of Public Utilities.

- b. Accessory use. Wind energy systems with a manufacturer's rated capacity of 20 kilowatts peak efficiency or less shall be permitted accessory uses and structures to any principal use or building in the municipality, provided they are installed and operated in accordance with the provisions of this section and applicable state and federal laws and rules. Wind energy systems greater than 20 kilowatts and less than or equal to 100 kilowatts peak efficiency shall be a permitted accessory use for agricultural, public and private schools, municipal governmental use and industrial uses.
- c. Standards for roof-mounted systems.
 - (1) No wind energy system shall be placed upon that portion of a roof that slopes downwards toward the front of the building facing a public street.
 - (2) No portion of a wind energy system attached to a roof shall rise above the existing roof greater than 14 feet, measured from the ridgeline of the roof to the center of the hub to which the blades or vanes are attached or to the nacelle, whichever is less distance.
 - (3) In a historic district or a historic site not in a district, no portion of a roof-mounted wind energy system shall be visible from a public right-of-way.
- d. Standards for ground-mounted systems.
 - (1) Ground-mounted systems shall not be located in a front yard.
 - (2) Ground-mounted systems shall meet the side and rear yard restrictions for principal structures in the zone that the energy production facility is located and in no case shall be located closer to a property line than 1.1 times the turbine height.
 - (3) No ground-mounted wind energy system with a manufacturer's rated capacity of 20 kilowatts peak efficiency or less shall be mounted on a tower, mast or pole taller than 40 feet. Wind energy systems greater than 20 kilowatts and less than or equal to 100 kilowatts shall not be placed on a tower, mast, or pole that exceeds 80 feet in height.
 - (4) The minimum height from finished grade at the base of the support structure to the lowest arc of a wind turbine blade or vane shall be 30 feet.

2. Solar Heating and Electricity Generation.

- a. Purpose. The municipality, recognizing the increasing desire by its residents and business owners with the Township for the production of electricity, heating, and hot water other than by means of centrally distributed public utilities, and further recognizing the objectives of the New Jersey Energy Master Plan in broadening the number of providers and methods for producing energy, promulgate this section of the Ordinance to encourage and create reasonable standards for solar energy use for to provide electricity, heating and hot water primarily for use in their domicile, farm or place of business, in accordance with the net metering rules of the NJ Board of Public Utilities.
- b. Accessory use. Solar heating and net metering electricity generation shall be permitted accessory uses and structures to any principal building in the municipality provided they are installed and operated in accordance with the provisions in this section and applicable state and federal law.
- c. Roof-mounted solar energy systems shall be required unless the owner is able to demonstrate to the satisfaction of the Zoning Officer that such mounting is impractical, infeasible or lacks the means to meet 80% of the average yearly demands for electricity or hot water for the facility to which it is associated. Standards for roof-mounted systems are as follows:
 - (1) For sloped roofs, no panel or other appurtenance of the solar energy system shall be affixed to a height greater than 18 inches from the roof surface.
 - (2) For flat roofs (which shall include roofs with a slope of up to ½ inch rise in 12 inches of run), no portion of the solar energy system shall rise above the height of the roof parapet.
 - (3) In a historic district or a historic site not in a district, no portion of a solar panel or its appurtenances shall be visible from a public right-of-way unless the system is composed of photovoltaic roof shingles on a sloped roof.
 - (4) No portion of a panel shall extend beyond the outside edge of the roof.
 - (5) Roof mounted systems shall be mounted parallel to the roof angle when visible from a public right-of-way.

- (6) Roof mounted systems shall not exceed the maximum building height in the zoning district.
 - d. Standards for ground-mounted systems including solar parking canopies.
 - (1) Demonstration that a roof-mounted system is impractical, infeasible or lacks the means to meet 80% of the average yearly demands for electricity or hot water for the facility to which it is associated..
 - (2) Ground-mounted systems shall not be located in a front yard.
 - (3) Ground-mounted systems shall meet the side and rear yard setback standards for accessory structures in the zone that the energy production facility is located.
 - (4) Ground-mounted facilities greater than 1,000 square feet of panel area shall meet the following additional requirements:
 - [a] One or more of the following shall be provided beneath the structures: meadow grass, lawn grass, cultivated agriculture land or parking spaces.
 - [b] Mounting of the solar structures shall minimize impervious surfaces.
 - [c] Ground-mounted systems shall have a solid screen of evergreen plantings and/or a fence along property lines abutting a residential use or a right-of-way (in the event of a reverse frontage lot).
 - [d] The minimum height of the screening shall be 6 feet when planted or installed, unless otherwise prohibited by this Ordinance.
 - [e] Existing vegetation shall be retained to the extent practical.
 - e. Solar facilities shall not be included in the calculation of maximum lot coverage or impervious cover, unless the area under the system consists of an impervious material.
 - f. All electrical control equipment shall be labeled and secured to prevent unauthorized access and to warn emergency personnel of the presence of a facility that generates electricity independently of the provision of public electrical power.
3. Zoning Permit. Whenever site plan or subdivision approval is not required, a zoning permit shall be obtained for a wind or solar energy system as precedent to

the issuance of any permit required pursuant to the New Jersey Uniform Construction Code.

4. Abandonment and Removal.
 - a. Any wind or solar energy system shall be considered abandoned if the system or facility is out of service or otherwise unused for a continuous 18-month period.
 - b. The Zoning Officer may issue a Notice of Abandonment to the owner of a wind or solar energy system that is deemed to have been abandoned. The notice shall be sent by certified mail, return receipt requested, to the last known address of the owner.
 - c. The owner shall have the right to respond to the Notice of Abandonment within 45 days from the mailing of the notice and provide such evidence as deemed appropriate to counter the abandonment claim.
 - d. If the owner provides information demonstrating to the Zoning Officer that the wind or solar energy system facility has not been abandoned, no further action shall be taken.
 - e. If the Zoning Officer determines that the wind energy system has been abandoned, the owner shall remove any and all blades, vanes, turbines, towers, masts, poles, guying, cabling and foundations to a depth of three feet below grade and all other structures and equipment related to the wind energy system and the owner shall remove any and all photovoltaic panels, photovoltaic shingles, inverters, interconnection hardware, racking and mounting structures at the owner's sole expense within 3 months after the owner receives the Notice of Abandonment.

Section 3. §530.C, Off-Street Parking: Number of Spaces, shall be modified to add a new sub-paragraph 5, Electric Vehicle Parking, as follows:

5. Electric Vehicle Parking. The number of required electric vehicle (EV) parking spaces for industrial, commercial, institutional (excepting religious uses), multi-family and townhouse residential uses shall be as follows:

Required minimum number of parking spaces	Required number of EV parking spaces
0-49	0
50 to 99	1
100+	2, plus 1 for each additional 100 stalls

Section 4. Continuation. In all other respects, the Land Use Ordinance of the

Township of Lawrence shall remain unchanged.

Section 5. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Land Use Ordinance as a whole, or any other part thereof.

Section 6. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 7. Enactment. This Ordinance shall take effect upon the filing thereof with the Mercer County Planning Board after final passage, adoption, and publication by the Township Clerk of the Township of Lawrence in the manner prescribed by law.

Adopted: December 17, 2019

RECORD OF VOTE

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Kownacki	X						
Ms. Lewis	X					X	
Mr. Powers	X						X
Mr. Ryan	X						
Mayor Bobbitt	X						