

Egg Harbor Township

Ordinance No. 31

2019

An ordinance to amend the Code of the Township of Egg Harbor, Chapter 225, entitled "Zoning"

BE IT ORDAINED, by the Township Committee of the Township of Egg Harbor, in the County of Atlantic, New Jersey as follows:

SECTION 1. Chapter 225 of the Code of the Township of Egg Harbor, Section 225-40(D) is hereby amended by adding the following:

- (6) Ground Mounted Solar Arrays subject to the following special requirements:
 - (a) The following area, yard and building requirements shall be met:
 - (i) Minimum Lot Area: 20 Acres;
 - (ii) Minimum Lot Width: 600 Feet;
 - (iii) Maximum Height: 15 Feet;
 - (iv) Front Yard Setback: 50 Feet;
 - (v) Rear Yard Setback: 20 Feet; and
 - (vi) Side Yard Setback: 20 Feet.
 - (b) A minimum 50 foot landscaped buffer designed in accordance with §94-22C shall be provided between the solar array and any publicly dedicated road or highway and along the common property line of any existing residence, any zone which permits residential uses and any existing low intensity recreational facility or campground.
 - (c) Should the development of new or expansion of existing on-site or off-site infrastructure be necessary to accommodate the solar energy facility, clearing shall be limited to that which is necessary to accommodate the use in accordance with N.J.A.C. 7:50-6.23. New rights-of-way shall be limited to a maximum width of 20 feet, unless additional width is necessary to address specific safety or reliability concerns.
 - (d) Any solar energy facility shall be decommissioned within twelve (12) months of the cessation of its utilization. Decommissioning shall include:
 - (i) Removal of all energy facilities, structures and equipment, including any subsurface wires and footings, from the parcel;
 - (ii) Restoration of the parcel in accordance with N.J.A.C. 7:50-6.24, unless restoration is unnecessary because the parcel is to be put into active agricultural use or approved for development in accordance with the certified local ordinance within that twelve (12) month period; and

- (iii) Any other measures necessary to address ecological and visual impacts associated with the solar energy facility, including the removal of offsite infrastructure and restoration of affected lands.

SECTION 2. All ordinances and parts of Ordinances inconsistent herewith are hereby repealed.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 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 upon final passage, adoption and publication in the manner prescribed by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF EGG HARBOR, IN THE COUNTY OF ATLANTIC AND STATE OF NEW JERSEY, HELD SEPTEMBER 18, 2019, AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE IN THE TOWNSHIP HALL, IN SAID TOWNSHIP ON NOVEMBER 6, 2019.

Dated: September 18, 2019

Eileen M. Tedesco, RMC
Township Clerk