

**TOWNSHIP OF BEDMINSTER
ORDINANCE NO. 2013-013**

AN ORDINANCE OF THE TOWNSHIP OF BEDMINSTER, COUNTY OF SOMERSET, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF BEDMINSTER, SPECIFICALLY “ARTICLE 13” ENTITLED "THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF BEDMINSTER" ESTABLISHING SOLAR PHOTOVOLTAIC ENERGY FACILITIES AND STRUCTURES.

WHEREAS, the Bedminster Township Committee is desirous of establishing existing ordinance provisions pertaining to the installation of solar photovoltaic energy facilities and structures in a manner that serves the public interest and general goals and objectives of the Bedminster Township Master Plan; and

WHEREAS, the Bedminster Township Committee seeks to achieve uniformity and balance in the application of standards for the utilization of solar photovoltaic energy facilities and structures with the Township’s existing land use provisions pertaining to the maintenance of the Township’s rural and historic community character, and the protection and retention of farmland, open space, agricultural uses, forests, streams and riparian corridors, steep slopes and natural resources lands including floodplains, wetlands and wetland transition areas; and

WHEREAS, the Township Committee acknowledges and recognizes that alternative energy systems development, particularly solar photovoltaic energy systems, has gained currency in the current economic climate as landowners seek to augment the cost of electricity through on-site development of solar photovoltaic energy facilities and structures and that local regulations are needed to allow for such facilities to be installed in as inconspicuous and unobtrusive a manner as reasonably possible while balancing the need for electricity with the wider community interest of preserving and promoting the rural and historical characteristics of the Township; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Bedminster as follows:

SECTION 1. Purpose Statement: The purpose of this ordinance is to amend and supplement the Land Management Code to regulate solar photovoltaic energy facilities and structures and balance the objective of providing reasonable opportunities for on site solar or photovoltaic electric generation for on site electricity consumption with protection of the natural, rural and built environment from the potential negative impacts of such facilities in all Bedminster Township zoning districts.

SECTION 2. Section 12-103 entitled “Purpose” is hereby amended and supplemented by revising the eighth and last purpose statements with the following underlined text (thus) as follows:

To provide a desirable visual environment through creative development techniques and good civic design and arrangements, with special attention to protection of the rural character of Bedminster’s countryside.

To promote the conservation of energy through the use of planning policies and practices designed to reduce energy consumption and to provide for maximum utilization of renewable energy sources provided such utilization is accessory to and directly supportive of a use permitted by the Bedminster Land Management Ordinance and further provided that such utilization will not undermine the intent and purposes of Bedminster’s Master Plan and Land Development Ordinance.

SECTION 3. Article 13-100, entitled “Title and Purpose,” Section 13-105 “PROHIBITED USES” is hereby amended and supplemented by adding the following new subsection “f.”, as follows:

- f. Solar photovoltaic energy systems that are designed for off-site electric power consumption.

SECTION 4. Article 13-200, “Definitions and Descriptions,” Section 13-201 “Definitions, Words and Descriptions,” is hereby amended and supplemented by adding the following new definitions as follows:

SOLAR PHOTOVOLTAIC ENERGY SYSTEM, Accessory - means a system of solar photovoltaic modules, panels or arrays for the production of electrical energy that:

- (1) (a) Generates electrical power by converting solar radiation into electricity;
- (b) Is located on the electric consumer’s premises;
- (c) Is designed and intended primarily to offset part or all of the electric consumer’s on site electric energy consumption; and
- (d) Is accessory, subordinate and incidental to the electric consumer’s principal use of the premises for other lawful purpose(s).

SECTION 5. Article 13-400 “District Regulations,” is hereby amended and supplemented by adding the following new subsections, as follows:

- 1. Section 13-401A, “R-10” Rural Residential, Subsection 13-401A.2 Accessory Uses Permitted, is hereby amended and supplemented by adding the following new subsections, as follows:
 - m. Roof mounted solar photovoltaic energy systems subject to §13-527.
 - n. Parking lot canopy mounted solar photovoltaic energy systems for nonresidential use subject to §13-527
 - o. Ground-mounted solar photovoltaic energy systems subject to §13-527d., except that the provisions of §13-527d.6. do not apply.
- 2. Section 13-402, “R-3” Rural Residential, Subsection 13-402.2 Accessory Uses Permitted, is hereby amended and supplemented by adding the following new subsections, as follows:
 - l. Roof mounted solar photovoltaic energy systems subject to §13-527.
 - m. Parking lot canopy mounted solar photovoltaic energy systems for nonresidential use subject to §13-527
 - n. Ground-mounted solar photovoltaic energy systems subject to §13-527d., except that the provisions of §13-527d.6. do not apply.
- 3. Section 13-403, "R-2" Low Density Residential, "R-1" Low Density Residential, "R-1/2 " Medium Density Residential, "VR-100" Medium Density Residential, "VR-80" Medium Density Residential, Subsection 403.2 Accessory Uses Permitted, is hereby amended and supplemented by adding the following new subsections, as follows:
 - l. Roof mounted solar photovoltaic energy systems subject to §13-527.
- 4. Section 13-403A, “SFC-RD” Single Family Cluster –Restricted Development District, Subsection 13-403A.2 Accessory Uses Permitted, is hereby amended and supplemented by adding the following new subsections, as follows:

- f. Roof mounted solar photovoltaic energy systems subject to §13-527.
5. Section 13-404, “MF” High Density Multiple Family Development, Subsection 13-404.2 Accessory Uses Permitted, is hereby amended and supplemented by adding the following new subsections, as follows:
- g. Roof mounted solar photovoltaic energy systems subject to §13-527.
6. Section 13-405 “VN” Village Neighborhood, Subsection 13-405.2 Accessory Uses Permitted, is hereby amended and supplemented by adding the following new subsections, as follows:
- j. Roof mounted solar photovoltaic energy systems subject to §13-527.
7. Section 13-405A, “VN-2” Restricted Village Neighborhood, Subsection 13-405A.2 Accessory Uses Permitted, is hereby amended and supplemented by adding the following new subsections, as follows:
- k. Roof mounted solar photovoltaic energy systems subject to §13-527.
8. Section 13-405B, “VN-3” Pottersville Village Neighborhood, Subsection 13-405B.2 Accessory Uses Permitted, is hereby established, as follows: amended and supplemented by adding the following new subsection, as follows:
- 13-405B.2 Accessory Uses Permitted.
- a. Private residential swimming pools in rear yards only (see Section 13-514).
 - b. Private residential tool sheds not to exceed fifteen (15') feet in height.
 - c. Private sports courts and other usual recreational facilities associated only with residential uses.
 - d. Off-street parking, except in front yard, and private garages.
 - e. Fences and walls not exceeding six (6') feet in height, except that tennis courts may have fences a maximum of fifteen (15') feet in height (see Section 13-503).
 - f. Signs.
 - g. Home office occupations.
 - h. Satellite dish antennas (see Section 13-520 for standards).
 - i. Modified home office occupation (see Section 13-201 for definition and requirements).
 - j. Roof mounted solar photovoltaic energy systems subject to §13-527.
9. Section 13-406, “OR” Office Research, Subsection 13-406.2 Accessory Uses Permitted, is hereby amended and supplemented by adding the following new subsections, as follows:
- h. Roof mounted solar photovoltaic energy systems subject to §13-527.
 - i. Parking lot canopy mounted solar photovoltaic energy systems for nonresidential use subject to §13-527.
 - j. Ground-mounted solar photovoltaic energy systems subject to §13-527.
10. Section 13-406A, “OP” Professional and General Office, Subsection 13-406A.2 Accessory Uses Permitted, is hereby amended and supplemented by adding the following new subsections, as follows:

- l. Roof mounted solar photovoltaic energy systems subject to §13-527.
 - m. Parking lot canopy mounted solar photovoltaic energy systems for nonresidential use subject to §13-527.
 - n. Ground-mounted solar photovoltaic energy systems subject to §13-527.
11. Section 13-407, “OR-V” Office Research Village, Subsection 13-407.2 Accessory Uses Permitted, is hereby amended and supplemented by adding the following new subsections, as follows:
- h. Roof mounted solar photovoltaic energy systems subject to §13-527.
 - i. Parking lot canopy mounted solar photovoltaic energy systems for nonresidential use subject to §13-527.
 - j. Ground-mounted accessory solar photovoltaic energy systems subject to §13-527.
12. Section 13-408, “P” Public, Subsection 13-408.2 Accessory Uses Permitted, is hereby amended and supplemented by adding the following new subsections, as follows:
- i. Roof mounted solar photovoltaic energy systems subject to §13-527.
 - j. Parking lot canopy mounted solar photovoltaic energy systems for nonresidential use subject to §13-527.
13. Section 13-409, “SFC” Single-Family Cluster District, Subsection 13-409b. Accessory Uses Permitted, is hereby amended and supplemented by adding the following new subsections, as follows:
- 10. Roof mounted solar photovoltaic energy systems subject to §13-527.
14. Section 13-410, “PRD” Planned Residential Development District, Subsection 13-410b. Accessory Uses Permitted, is hereby amended and supplemented by adding the following new subsections, as follows:
- 6. Roof mounted solar photovoltaic energy systems subject to §13-527.
15. Section 13-411, “PUD” Planned Unit Development District, Subsection 13-411b. Accessory Uses Permitted, is hereby amended and supplemented by adding the following new subsections, as follows:
- 7. Roof mounted solar photovoltaic energy systems subject to §13-527.
16. Section 13-412, “SCH” Senior Citizen Housing District, Subsection 13-412b. Accessory Uses Permitted, is hereby amended and supplemented by adding the following new subsections, as follows:
- 5. Roof mounted solar photovoltaic energy systems subject to §13-527.
 - 6. Parking lot canopy mounted solar photovoltaic energy systems for nonresidential use subject to §13-527.

SECTION 6 Article 13, Land Use, is hereby amended and supplemented by adding the following new subsection, entitled 13-527 Solar Photovoltaic Energy Systems, as follows:

13-527 SOLAR PHOTOVOLTAIC ENERGY SYSTEMS

- a. In order to maintain a desirable visual environment throughout Bedminster by preserving and promoting the rural and historical characteristics of the Township, it is the intention of this section that the installation of solar photovoltaic energy systems be installed in as inconspicuous and unobtrusive a manner as reasonably possible.

- b. Roof mounted solar photovoltaic energy systems. Installation or construction of roof mounted solar photovoltaic energy systems shall be subject to the following requirements:
 - 1. A roof mounted solar photovoltaic energy system may not be placed on any lot which does not contain a permitted principal structure. A roof mounted system may be installed upon permitted principal and accessory buildings.
 - 2. A roof mounted solar photovoltaic energy system shall serve only the lot where it is located. All supporting equipment, such as transformers, inverters, power line interconnections, etc. shall in the first instance be installed only in the rear yard area of any lot. The proposed location for all supporting equipment shall conform to the rear yard and side yard setback requirements for a principal permitted structure in the zone in which the property is located (and in no case shall be located in the front yard). If an applicant can produce objective evidence from a licensed New Jersey engineer that supporting equipment cannot be feasibly located in the rear yard location, the applicant may then place supporting equipment in alternative areas, as follows:
 - (a) Side yard with a minimum setback that is equal to the respective minimum zone requirements or fifty (50%) percent of the actual setback line; whichever is greater.
 - 3. Roof mounted solar photovoltaic energy system panels shall not extend above the existing height of the roof, (1) more than 12” on structures with pitched roofs with 3% slope or greater, or (2) more than 24” on structures with flat roofs (flat roof shall be defined as a roof pitch less than 3% slope).
 - 4. All solar photovoltaic equipment shall be effectively screened from public view, except for roof-mounted solar photovoltaic panels as permitted herein, with indigenous deer resistant evergreen plantings, and, to the greatest extent feasible, shall blend with the immediately surrounding area.
 - 5. All supporting equipment shall not be located any closer than twenty feet (20’) to any other building or structure.
 - 6. Electrical wiring extending between roof top mounted solar panel arrays, system transformers, inverters, and buildings shall be installed underground.
 - i. A power disconnect and system shut-down device accessible to emergency services personnel shall be installed and marked conspicuously with a sign, which shall identify an emergency contact person and an emergency contact telephone number. The property owner shall make the property available to local emergency first responders for annual training on power disconnect and system shut down procedures that may be required in the case of an emergency. System diagrams shall be provided to local emergency first responders upon installation and updated when alterations to the system are completed.
 - 7. Installations proposed within a designated historic district or on a historic site shall be subject to the provisions of §13-1806.

- c. Parking lot roof canopy mounted solar photovoltaic energy systems. Installation or construction of roof canopy mounted solar photovoltaic energy systems shall be subject to the following requirements:
 - 1. Site plan approval is required (see §13-802.2.a).
 - 2. An applicant for a parking lot roof canopy mounted solar photovoltaic energy system shall obtain all permits required by the Uniform Construction Code.

3. Parking lot roof canopy mounted solar photovoltaic energy systems shall be constructed above existing parking spaces and shall conform to setback requirements for parking for the zone in which the system is to be located.
 4. The parking lot roof canopy mounted solar photovoltaic energy system shall serve only the lot upon which it is located and may not serve any other lot either in common ownership or otherwise. All supporting equipment, such as transformers, inverters, power line interconnections, etc. shall be installed only in the rear or side yard area of any lot.
 5. The proposed location for all supporting equipment shall conform to the rear yard and side yard setback requirements for an accessory building in the zone in which the property is located (and in no case shall be located in the front yard).
 - i.
 6. Electrical wiring extending between solar panel arrays, system transformers, inverters, and buildings shall be installed underground.
 - i. A power disconnect and system shut-down device accessible to emergency services personnel shall be installed and marked conspicuously with a sign, which shall identify an emergency contact person and an emergency contact telephone number. The property owner shall make the property available to local emergency first responders for annual training on power disconnect and system shut down procedures that may be required in the case of an emergency. System diagrams shall be provided to local emergency first responders upon installation and updated when alterations to the system are completed.
- d. Ground-mounted solar photovoltaic energy systems. Where permitted, a ground-mounted solar photovoltaic energy system may be installed subject to the following requirements:
1. Accessory to principal permitted use.
 - i. A ground-mounted solar photovoltaic energy system shall not be constructed on any lot which does not contain a permitted principal structure.
 - ii. A ground-mounted solar photovoltaic energy system shall serve only the permitted principal structure and permitted accessory buildings located on the tax lot upon which the energy system is located.
 2. Nonresidential and commercial agricultural ground mounted solar photovoltaic energy systems shall require site plan approval.
 3. Issuance of a construction permit. An applicant for a ground-mounted solar or photovoltaic energy system permit shall obtain all permits required by the Uniform Construction Code (UCC).
 4. Access. No new driveway access shall be created. Access shall be provided utilizing existing driveways. Any interior access road required between and among ground-mounted solar photovoltaic energy system arrays and components shall be designed as grassed roadways to minimize the extent of soil disturbance, water runoff and soil compaction.
 5. Maximum height. The maximum height of solar panel arrays from existing ground level shall not exceed 6'. System components shall not exceed the maximum permitted height for an accessory structure in the zone in which located.
 6. Yard placement & visual buffering. All components of a ground-mounted solar photovoltaic energy system (solar panel arrays, supporting equipment including transformers, inverters, electric utility line connections, etc.) shall be installed only in the rear yard area and shall not be located closer to the side property line than the existing side yard setback of the principal building upon the lot, subject to the following visual compatibility, placement and design standards.
 - i. The ground mounted system and its components shall be shielded by landscaped screen buffering plantings around the perimeter of the facility. The buffer shall screen the system from view from adjoining residences,

preserved open space and farmland, the public traveled way, including public rights-of-way, roads and publicly accessible trails, and commonly traveled ways, such as, but not limited to bridle paths.

ii. Perimeter landscaped screen buffer. Landscaped screen buffer plantings shall be indigenous evergreen species for year-round screening, which shall conform to the requirements of §13-804.2.t(1)(a), (c) &(d), which shall grow to sufficient height within five (5) years to completely screen the system from off site view. The landscaped screen buffer plantings shall be continually maintained to provide a permanent visual screen of the facility.

iii. Where existing features may effectively serve to shield portions of the installation and its components from view, such features may be substituted for portions of the required perimeter landscaped buffer. Such features include, but are no limited to:

- i. Existing hedgerows or forested areas, which may be supplemented with additional plantings to achieve year-round effective visual screening of the installation and its components;
- ii. Existing buildings, such as barns, garages, greenhouses, outbuildings, etc,
- iii. Existing topographic features or structures such changes in elevation, ridgelines, retaining walls and similar features.
- iv. Where any of the above features may be substituted for the required perimeter landscaped buffer, such features shall be maintained for as long as ground-mounted solar or photovoltaic energy system remains on site. Where such features may be removed over time by will or act of God, the required perimeter landscaped buffer shall be provided within either two (2) months of the removal of such features.

7. Critical areas. No portion of a ground-mounted solar photovoltaic energy system (solar panel arrays and supporting equipment such as, but not limited to transformers, inverters, power line interconnections, etc.) shall be located in a Critical Area as defined in §13-506.
8. Farm soils. Ground-mounted solar photovoltaic energy system shall be limited upon Prime Agricultural Soils or Soils of Statewide Importance as defined by the USDA Natural Resources Conservation Service and or within areas identified in an "Agricultural Development Area" to the minimum area practicable to accommodate an accessory solar photovoltaic energy system. Construction and installation of any energy system shall be designed to minimize any adverse impacts on the productivity of the soil and farm operations.
9. Solar panel array ground mounting. To minimize land disturbance and facilitate future site rehabilitation, solar panel arrays shall be mounted to the ground through the use of earth screws, auger driven piers or a similar system that does not require the use of bituminous or concrete material.
10. Grading. The ground-mounted system and its components should be designed to follow the natural topography to the greatest extent possible to minimize the disturbance of soils.
11. Soil erosion control, soil stabilization. All ground areas occupied by the ground-mounted solar photovoltaic energy system shall be planted and maintained with shade tolerant grasses for the purpose of soil stabilization. A seed mixture of native, non-invasive shade tolerant grasses shall be utilized to promote biodiversity and natural habitat.
12. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from the property line.
13. Electrical wiring extending between solar panel arrays, system transformers, inverters, and buildings shall be installed underground. A power disconnect and system shut-down device accessible to emergency services personnel shall be installed and marked conspicuously with a sign, which shall identify an emergency contact person and an emergency contact telephone number.

(e) Decommissioning, removal, restoration. All ground mount or parking lot canopy solar photovoltaic energy systems shall be maintained in continuous operation.

1. Solar photovoltaic energy facilities and structures (roof or ground) which have not been in active and continuous service for a period of eighteen (18) months shall be decommissioned and removed from the property to a place of safe and legal disposal.
2. Upon cessation of activity or abandonment, the energy system shall be decommissioned, all equipment removed and all areas disturbed to construct and operate the energy system shall be restored. The property owner shall obtain a demolition permit from the Bedminster Township construction official to decommission and remove the energy system and restore all areas disturbed to construct and operate the system.
3. Removal of the system shall be conducted in conformance with UCC requirements.
4. Solar energy system structures and equipment shall be removed and, where applicable, surface grade shall be restored.
5. Where applicable, surface grade shall be revegetated with native seed mixes and or plant species suitable to the area, which shall not include any invasive species. Agricultural activities may be conducted in farmland areas.
6. The lot owner shall document that system decommissioning, removal and restoration activities have been completed in accordance with the requirements of this section with a certification from Township code official(s).

SECTION 7 All other provisions of Article 13, Land Use, of the Ordinances of Bedminster Township not modified herein shall remain unchanged and in full force and effect.

SECTION 8 If the provisions of any article, section, subsection, paragraph, subdivision, clause or application of the Ordinance shall be judged invalid by any Court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph, subdivision, clause or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 9 This ordinance may be renumbered for codification purposes.

SECTION 10 This ordinance shall take effect upon its adoption and publication according to law.

Introduced by: Cm Lawrence F. Jacobs
 Passed: May 6, 2013
 Published: May 9, 2013
 Adopted: June 3, 2013

ATTEST: BEDMINSTER TOWNSHIP COMMITTEE

By: _____
Judith A. Sullivan, Township Clerk

By: _____
Steven E. Parker, Mayor

Introduced	Seconded	Township Committee	Vote for Adoption	Nay	Abstain	Absent
		Steven E. Parker, Mayor				
		Bernie Pane				
		Carolyn Freeman				
		Lawrence F. Jacobs				
		Staci Santucci				