TOWNSHIP OF TABERNACLE

AN ORDINANCE AMENDING CHAPTER XVII, ZONING, OF THE CODE OF THE TOWNSHIP OF TABERNACLE, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY
ORDINANCE NO. 2021-10

BE IT ORDAINED by the Township Committee of the Township of Tabernacle, County of Burlington and State of New Jersey, as follows:

SECTION I.

Purpose: The purpose of this Ordinance is to amend Chapter XVII, Zoning, of the Code of the Township of Tabernacle to change the zoning district classification of the ten tax lots specified below and to permit Solar Energy Facilities in the Preservation Area District in accordance with the objectives of the Pinelands Comprehensive Management Plan.

SECTION II.

The Township Committee of the Township of Tabernacle hereby changes the zoning district classifications of those lots specified in the following table and amends the Township Official Zoning Map accordingly.

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<th>Property</th>
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<th>Amended Zoning Classification</th>
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</table>

SECTION III.

Chapter XVII, Zoning, Article II, General District Regulations, is hereby amended by establishing section 17-47E, Solar Energy Facilities, as follows:
17-47E SOLAR ENERGY FACILITIES

a. Solar energy facilities shall be permitted as a principal use in the Preservation Area District, provided that the following standards are met:

1. The solar energy facility shall be located on the parcel of a resource extraction operation and:
   
   (a) The facility shall be limited to those portions of the parcel comprised of previously mined areas that have not subsequently been restored;
   
   (b) The maximum acreage of the solar energy facility, including the area of the required firebreak, shall not exceed 25 acres; and
   
   (c) The remainder of the parcel shall be deed restricted in accordance with subsection 17-33.5.b.1 of this chapter.

2. The acquisition and redemption of 0.25 Pinelands Development Credits shall be required for every four acres of the combined land area occupied by the solar energy facility and fire break required by a.5 below.

3. The solar energy facility, including any proposed off-site infrastructure, shall be located and screened with vegetation and by topography (where feasible) to minimize visual impacts as viewed from:
   
   (a) The wild and scenic rivers and special scenic corridors listed in N.J.A.C. 7:50-6.105(a);
   
   (b) Publicly dedicated roads and highways;
   
   (c) Low intensity recreational facilities and campgrounds; and
   
   (d) Existing residential dwellings located on contiguous parcels.

Vegetated areas for visual screening of the solar facility shall not be less than fifty feet in width and consist of at least three rows of trees with associated understory plants which may include existing vegetation, new plantings, or a combination thereof. New plantings shall be consistent with the requirements of N.J.A.C. 7:50-6.21 et seq. and meet the following requirements:

(1) Deciduous trees shall be at least 3.5 inch caliper and 14 feet in height at the time of planting;
Evergreen trees shall have a minimum height at planting of six feet;

Trees shall be planted 10 feet on center in staggered rows.

4. If 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 infrastructure in accordance with subsections 17-35.1(a) and (b) of this chapter. 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.

5. A firebreak fifty feet in width outside of the fenced perimeter of the solar energy facility is required. The firebreak and area within the fenced perimeter of the solar facility may be vegetated with grass species consistent with the requirements of N.J.A.C. 7:50-6.21 et seq., but in no case shall the combined footprint of the solar energy facility and firebreak exceed 25 acres.

6. The owner of the solar energy facility shall mow the grassed areas permitted by a.5 above not less than two times per calendar year and the maximum permitted height above grade of vegetation within such areas shall be 12 inches.

7. The owner of the solar energy facility shall ensure that there is no new tree growth within the footprint of the solar energy facility and 50 foot wide firebreak, but in no event shall the area of tree maintenance or removal exceed 25 acres and no maintenance or removal of trees shall be performed in the deed restricted area for the purpose of construction or operation of the solar energy facility.

8. Prior to operation (and periodically upon request), the owner of the solar energy facility shall provide orientation and training to the local fire department and other first responders concerning safe entry and operation within the solar facility for provision of emergency services.
9. The solar energy facility shall be constructed and maintained in accordance with applicable engineering design and manufacturing practices and all applicable fire, electrical and construction codes.

10. In order to minimize offsite impacts of radio frequency emissions, the solar energy facility shall be designed with the following minimum setbacks and standards.

(a) Solar panels shall be located a minimum 100 feet from the property line;

(b) Solar inverters shall be located a minimum 150 feet from the property line;

(c) The facility’s equipment shall be designed, constructed and maintained to assure compliance with the standard set forth in the Code of Federal Regulations (CFR) Title 47 Part 15 Subpart B 15.109.

11. Any solar energy facility shall be decommissioned within 12 months of the cessation of its utilization. Decommissioning shall include:

(a) Removal of all energy facilities, structures and equipment, including any subsurface wires and footings, from the parcel;

(b) Restoration of the parcel in accordance with subsections 17-35.1(d)1 through 4 of this chapter, unless restoration is unnecessary because the parcel is to be put into active agricultural use or approved for development in accordance with this chapter within that 12 month period; and

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

12. Any solar energy facility in the Preservation Area District shall be enclosed with a fence that adheres with local electrical and building codes. The fence shall be a minimum of seven feet in height with a maximum height of nine feet made of 2” galvanized mesh with top and bottom tension wire, surround the solar facility and prevent unauthorized entry of persons or vehicles into
the solar area of the solar array and any of the solar facility’s associated inverters and transformers. A ‘Knox Box’ shall be installed at the site entrance to provide keyed entry to first responders.

**SECTION IV**

Chapter XVII, Zoning, Article IX, Preservation Area District, Section 17-62, Preservation Area District Regulations, is hereby amended by revising subsection 17-62.1 as follows:

**17-62.1 Permitted Principal Uses.**

a. - l. (no change.)

m. Solar energy facilities in accordance with Section 17-47E of this chapter.

**SECTION V**

In the event that any Section or part of this Ordinance shall be declared to be unconstitutional, invalid, or inoperative, in whole or in part, by a Court of competent jurisdiction, said Section or part shall, to the extent that it is unconstitutional, invalid or inoperative, be of no force and effect but no such determination shall be deemed to invalidate or affect the remaining Sections or parts of this Ordinance or the Ordinance as a whole.

**SECTION VI**

This ordinance shall take effect immediately upon final passage and publication as provided by law, certification by the Pinelands Commission, and the filing of a copy of this ordinance as certified with the Burlington County Planning Board.

**NOTICE IS HEREBY GIVEN**, that Ordinance 2021- 10 - An ordinance amending chapter xvii, zoning, of the code of the Township of Tabernacle, County of Burlington and State of New Jersey, was introduced at the October 25, 2021 Township Committee meeting. The ordinance will be further considered on December 6, 2021 special meeting of the Township Committee at 7:30PM prevailing time. Copies of the ordinance will be available in the Clerk’s Office, on the bulletin board, and on the Township website prior to the hearing.