ORDINANCE 2010-14
AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 100, “LAND USE” OF THE CODE OF THE TOWNSHIP OF HOLLAND TO ADD REGULATIONS FOR SMALL WIND ENERGY SYSTEMS

WHEREAS, it is the purpose of this ordinance to promote the safe, effective and efficient use of small wind energy systems to reduce the on-site consumption of utility-supplied electricity; and

WHEREAS, the Holland Township Committee has recognized and determined that:

1) Wind energy is renewable and nonpolluting energy resource;

2) Converting wind to electricity reduces dependence on nonrenewable energy resources, and thereby potentially decreases the air and water pollution that results from the use of conventional energy sources;

3) The use of small wind energy systems will also enhance the reliability and power quality of the power grid, will help to reduce peak power demands, and will help to diversify the State's energy supply portfolio; and

4) Small wind energy systems make the electricity supply market more competitive by promoting consumer choice; and

5) The New Jersey Legislature has adopted legislation (P.L. 2009, c.213), in which the installation of biomass, solar or wind energy generation facilities, structures and equipment is specifically permitted on a preserved farm subject to approval by the State Agriculture Development Committee; and

WHEREAS, New Jersey’s Renewable Portfolio Standards (RPS) require each supplier/provider, as defined at N.J.A.C. 14:8-1.2, that sells electricity to retail customers in New Jersey to provide a percentage of their retail electricity sales from renewable energy sources, beginning at 3.5 percent in 2004 and increasing to 22.5 percent by 2021; and

WHEREAS, local zoning regulations that do not address wind power, while not precluding the installation of small wind turbines, can substantially increase the time and costs required to obtain necessary local approvals and permits; and

WHEREAS, the Township Committee of Holland Township finds that it is necessary to provide standardized requirements for small wind energy systems to ensure that this clean, renewable energy resource can be utilized in a cost-effective and timely manner within Holland Township without detriment to surrounding properties and without visual blight.

NOW, THEREFORE BE IT RESOLVED, by the Holland Township Committee of the Township of Holland, in the County of Hunterdon, New Jersey, that Chapter 100, “Land Use” of the Code of the Township of Holland shall be amended, revised and supplemented as follows:
SECTION ONE. Add the following definitions to Section 100-6:

METEOROLOGICAL TOWER (OR MET TOWER) - A structure designed to support the gathering of wind energy resource data; includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

ROOF-MOUNTED WIND ENERGY SYSTEM – A wind energy conversion system consisting of vertical axis wind turbine(s) or any other form of wind energy conversion system that can be and is mounted on the roof of a building rather than on a tower.

ROTOR DIAMETER - The cross sectional dimension of the circle swept by the rotating blades of a wind-powered energy generator.

SMALL WIND ENERGY SYSTEM - A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity consistent with applicable provisions of the State Uniform Construction Code promulgated pursuant to P.L. 1975, c.217 (C. 52:27D-119, et seq., and which will be used to generate electrical power primarily for on-site consumption.

SYSTEM HEIGHT – The vertical distance above grade of the tower plus the wind generator measured vertically from the ground to the tip of a wind generator blade when the tip is at its highest point.

TOWER HEIGHT - The vertical distance above grade of the fixed portion of the tower, excluding the wind generator.

WIND GENERATOR – Blades and associated mechanical and electrical conversion components mounted on top of a wind tower.

WIND TOWER - A monopole, freestanding, or guyed structure that supports a wind generator.

SECTION TWO. Amend Section 100-45 to add a new Section 100-45.G. reading as follows:

G. Small wind energy system as an accessory use to an agricultural use encompassing 20 or more contiguous acres in the R-5 District only and subject to all of the following requirements:

1. A wind tower for a small wind energy system shall be set back from all property lines a distance of at least 150% of the total height of the wind energy system and shall be set back from any buildings and overhead utility easements located on the property a distance equal to 110% of the total height of the small wind energy system.

2. A wind tower shall have a maximum tower height no greater than 120 feet. To the extent that this height limit precludes the effective use of a small wind energy system on a particular site, such system shall not be a permitted use.

3. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. The wind tower shall be designed and installed so that the first eight (8) feet above the ground has no step bolts, no ladder, and no other means for climbing the tower.

4. A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
(5) The wind generator and the wind tower shall remain painted or finished in the color or finish that was originally applied by the manufacturer.

(6) There shall be no signs posted on a small wind generator system or any associated building that will be visible from any public road except for the manufacturer’s or installer’s identification, appropriate warning signs, or owner identification.

(7) Small wind energy systems that connect to the public electric utility system shall comply with the New Jersey’s Net Metering and Interconnection Standards for Class I Renewable Energy Systems at N.J.A.C. 14:4-9

(8) Meteorological or met towers shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as small wind energy systems.

(9) For wind speeds in the range of zero (0) mph to twenty-five (25) mph, the noise level generated by any small wind energy system, measured at the nearest property line, shall not exceed 55 dB(A) at night nor 65 dB(A) during the day, per applicable State noise regulations.

(10) A Zoning Permit shall be obtained from the Township Zoning Officer confirming that all requirements of this Section will be met prior to the issuance of applicable Construction Permit(s), but site plan approval shall not be required.

(11) The application for a Zoning Permit shall include all of the following information:
   (a) A survey plan indicating property lines and physical dimensions of the property;
   (b) A survey plan indicating location, dimensions, and existing structures on the property;
   (c) A plan indicating the proposed location and dimensions of the proposed wind tower;
   (d) A plan indicating the locations of any overhead utility easements on the property;
   (e) Proposed small wind energy system specifications, including manufacturer and model, rotor diameter, system height, tower height and tower type (freestanding or guyed);

(12) A small wind energy system that has been out of service for a continuous twelve (12) month period shall be deemed to have been abandoned and shall be completely removed from the premises within three (3) months of such abandonment; areas from which small wind energy systems have been removed shall be restored to a pre-installation state. The owner of the land occupied by the small wind energy system shall be responsible for such removal.

   (a) The Zoning Officer may issue a Notice of Abandonment to the landowner of a small wind energy system that is deemed to have been abandoned. The notice shall be sent return receipt requested.

   (b) The landowner shall have the right to respond to the Notice of Abandonment within 30 days of receipt.

   (c) If the owner provides information to the Zoning Officer within the requisite 30-day response period that demonstrates that the small wind energy system has not been abandoned, the Zoning Officer shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn.

   (d) If the Zoning Officer determines that the small wind energy system has been abandoned, the landowner of the small wind energy system shall remove the wind generator and the wind tower and all other equipment associated with the small wind energy system at the landowner’s
sole expense within three (3) months after receipt of the Notice of Abandonment, and the area of the site that contained such equipment shall be restored to a pre-installation state.

(e) If the owner fails to remove the wind generator and wind tower and other equipment in the time allowed under (d) above, the municipality may pursue legal action to have such equipment removed at the landowner’s expense.

(13) Termination of the principal agricultural use of the lot or a reduction in the lot area associated with an agricultural use below 20 acres shall terminate the rights to the accessory use and shall require immediate removal of the small wind energy system as provided in paragraph (12) above.

SECTION THREE. Amend Section 100-45 to add a new Section 100-45.H. reading as follows:

H. Roof-mounted wind energy systems, provided the maximum height of all components shall not exceed 45 feet measured vertically from the ground elevation to the highest point of the system or 10 feet over the maximum height of the building to which such system is attached, whichever is less.

SECTION FOUR. Amend Section 100-22 to add a new Section 100-22.E. reading as follows:

E. Small wind energy system as an accessory use to a permitted farm use encompassing 20 or more contiguous acres in the IND District and subject to all of the following requirements:

(1) A wind tower for a small wind energy system shall be set back from all property lines a distance of at least 150% of the total height of the wind energy system and shall be set back from any buildings and overhead utility easements located on the property a distance equal to 110% of the total height of the small wind energy system.

(2) A wind tower shall have a maximum tower height no greater than 120 feet. To the extent that this height limit precludes the effective use of a small wind energy system on a particular site, such system shall not be a permitted use.

(3) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. The wind tower shall be designed and installed so that the first eight (8) feet above the ground has no step bolts, no ladder, and no other means for climbing the tower.

(4) A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

(5) The wind generator and the wind tower shall remain painted or finished in the color or finish that was originally applied by the manufacturer.

(6) There shall be no signs posted on a small wind generator system or any associated building that will be visible from any public road except for the manufacturer’s or installer’s identification, appropriate warning signs, or owner identification.

(7) Small wind energy systems that connect to the public electric utility system shall comply with the New Jersey’s Net Metering and Interconnection Standards for Class I Renewable Energy Systems at N.J.A.C. 14:4-9

(8) Meteorological or met towers shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as small wind energy systems.

(9) For wind speeds in the range of zero (0) mph to twenty-five (25) mph, the noise level generated by any small wind energy system, measured at the nearest property line, shall not exceed 55 dB(A) at night nor 65 dB(A) during the day, per applicable noise regulations.

(10) A Zoning Permit shall be obtained from the Township Zoning Officer confirming that all requirements of this Section will be met prior to the issuance of applicable Construction Permit(s), but site plan approval shall not be required.
(11) The application for a Zoning Permit shall include all of the following information:
   (a) A survey plan indicating property lines and physical dimensions of the property;
   (b) A survey plan indicating location, dimensions, and existing structures on the property;
   (c) A plan indicating the proposed location and dimensions of the proposed wind tower;
   (d) A plan indicating the locations of any overhead utility easements on the property;
   (e) Proposed small wind energy system specifications, including manufacturer and model, rotor diameter, system height, tower height and tower type (freestanding or guyed);

(12) A small wind energy system that has been out of service for a continuous twelve (12) month period shall be deemed to have been abandoned and shall be completely removed from the premises within three (3) months of such abandonment; areas from which small wind energy systems have been removed shall be restored to a pre-installation state. The owner of the land occupied by the small wind energy system shall be responsible for such removal.

   (a) The Zoning Officer may issue a Notice of Abandonment to the landowner of a small wind energy system that is deemed to have been abandoned. The notice shall be sent return receipt requested.

   (b) The landowner shall have the right to respond to the Notice of Abandonment within 30 days of receipt.

   (c) If the owner provides information to the Zoning Officer within the requisite 30-day response period that demonstrates that the small wind energy system has not been abandoned, the Zoning Officer shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn.

   (d) If the Zoning Officer determines that the small wind energy system has been abandoned, the landowner of the small wind energy system shall remove the wind generator and the wind tower and all other equipment associated with the small wind energy system at the landowner’s sole expense within three (3) months after receipt of the Notice of Abandonment, and the area of the site that contained such equipment shall be restored to a pre-installation state.

   (e) If the owner fails to remove the wind generator and wind tower and other equipment in the time allowed under (d) above, the municipality may pursue legal action to have such equipment removed at the landowner’s expense.

(13) Termination of the principal agricultural use of the lot or a reduction in the lot area associated with an agricultural use below 20 acres shall terminate the rights to the accessory use and shall require immediate removal of the small wind energy system as provided in paragraph (12) above.

SECTION FIVE. Amend Section 100-22 to add a new Section 100-22.1. reading as follows:

§ 100-22.1 Conditional uses.

A. Small wind energy system as a conditional accessory use to an industrial use in the IND District, subject to meeting all of the following requirements:

   (1) A wind tower for a small wind energy system shall be set back from all property lines a distance of at least 150% of the total height of the wind energy system and shall be set back from any buildings and overhead utility easements located on the property a distance equal to 110% of the total height of the small wind energy system.
(2) A wind tower shall have a maximum tower height no greater than 120 feet. To the extent that this height limit precludes the effective use of a small wind energy system on a particular site, such system shall not be a permitted use.

(3) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. The wind tower shall be designed and installed so that the first eight (8) feet above the ground has no step bolts, no ladder, and no other means for climbing the tower.

(4) A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

(5) The wind generator and the wind tower shall remain painted or finished in the color or finish that was originally applied by the manufacturer.

(6) There shall be no signs posted on a small wind generator system or any associated building that will be visible from any public road except for the manufacturer’s or installer’s identification, appropriate warning signs, or owner identification.

(7) Small wind energy systems that connect to the public electric utility system shall comply with the New Jersey’s Net Metering and Interconnection Standards for Class I Renewable Energy Systems at N.J.A.C. 14:4-9

(8) Meteorological or met towers shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as small wind energy systems.

(9) For wind speeds in the range of zero (0) mph to twenty-five (25) mph, the noise level generated by any small wind energy system, measured at the nearest property line, shall not exceed 55 dB(A) at night nor 65 dB(A) during the day, per applicable State noise regulations.

(10) Site plan approval and conditional use approval shall be required for the small wind energy system.

(11) The application for conditional use/site plan approval shall include all of the following information:

(a) A survey plan indicating property lines and physical dimensions of the property;
(b) A survey plan indicating location, dimensions, and existing structures on the property;
(c) A plan indicating the proposed location and dimensions of the proposed wind tower;
(d) A plan indicating the locations of any overhead utility easements on the property;
(e) Proposed small wind energy system specifications, including manufacturer and model, rotor diameter, system height, tower height and tower type (freestanding or guyed);

(12) A small wind energy system that has been out of service for a continuous twelve (12) month period shall be deemed to have been abandoned and shall be completely removed from the premises within three (3) months of such abandonment; areas from which small wind energy systems have been removed shall be restored to a pre-installation state. The owner of the land occupied by the small wind energy system shall be responsible for such removal.

(a) The Zoning Officer may issue a Notice of Abandonment to the landowner of a small wind energy system that is deemed to have been abandoned. The notice shall be sent return receipt requested.
(b) The landowner shall have the right to respond to the Notice of Abandonment within 30 days of receipt.

(c) If the owner provides information to the Zoning Officer within the requisite 30-day response period that demonstrates that the small wind energy system has not been abandoned, the Zoning Officer shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn.

(d) If the Zoning Officer determines that the small wind energy system has been abandoned, the landowner of the small wind energy system shall remove the wind generator and the wind tower and all other equipment associated with the small wind energy system at the landowner’s sole expense within three (3) months after receipt of the Notice of Abandonment, and the area of the site that contained such equipment shall be restored to a pre-installation state.

(e) If the owner fails to remove the wind generator and wind tower and other equipment in the time allowed under (d) above, the municipality may pursue legal action to have such equipment removed at the landowner’s expense.

(13) Termination of the principal industrial use of the lot shall terminate the conditional use approval and shall require immediate removal of the small wind energy system as provided in paragraph (12) above.

SECTION SIX. Severability. The various parts, provisions and clauses of this Ordinance are severable. Should any part, provision or clause of this Ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the balance of the Ordinance shall remain in full force and effect.

SECTION SEVEN. Inconsistency. All ordinances or parts thereof which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION EIGHT. Effective Date. This Ordinance shall become effective upon final passage and publication thereof and filing with the Hunterdon County Planning Board as provided by law.

I Catherine M. Miller, Municipal Clerk, hereby certify that the foregoing ordinance is a true and accurate copy of an ordinance adopted on final reading by the Township Committee of the Township of Holland at a regular and duly convened meeting held on June 1, 2010

In witness thereof, I have set my hand and affixed the seal of the Township of Holland this 9th day of June 2014.

[Signature]
Catherine M. Miller, RMC
Municipal Clerk, Holland Township