

City of Long Branch, NJ
Wednesday, May 15, 2019

Chapter 320. Renewable Energy Systems

Article I. Solar Energy Systems

§ 320-5. Administration.

- A. Permits. All solar energy systems require a construction and zoning permit prior to installation. Applications for a solar energy system shall include information demonstrating compliance with the provisions of this article including the following:
- (1) The manufacturer's specifications for all components of the proposed system.
 - (2) Scaled horizontal and vertical (elevation) drawings illustrating the location of the system on the building or on the property for a ground-mounted system, including the property lines.
 - (3) For all roof-mounted systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted, and the distance from the roof edge.
 - (4) For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building and the highest finished height of the solar collector above the finished surface of the roof.
- B. Site plan. Site plan approval shall be required for the installation of all ground-mounted accessory solar energy systems, all solar energy production facilities, and solar carports as follows:
- (1) In addition to the information required by any other section of this article and all other site plan details generally required by City ordinance, the site plan application shall include a visual analysis of the subject property that illustrates the appearance of the proposed solar energy system from at least three strategic locations around and within the zone of visual impact.
 - (2) Site plan approval shall expire if the solar energy system is not installed and functioning within 24 months from the date of approval or if the solar energy system is abandoned as provided for in this article.
 - (3) Ground-mounted accessory solar energy systems installed on properties where the principal use is a single- or two-family home are exempt from site plan approval; but are required to submit a recent survey of the property indicating the proposed location of the solar energy system as part of the construction or zoning permit application.
- C. Historic buildings and districts. Applications for solar energy systems on buildings or grounds within designated historic buildings shall be referred to the Long Branch Historic Commission as outlined in Chapter **345**, Article **XII**, Historic Preservation Ordinance, of the City Codebook.
- D. Utility notification and interconnection. Prior to the installation of a solar energy system, the owner of the system shall provide the Construction Official and/or Zoning Officer with written confirmation that the public utility company has been informed of the owner's intent to install an interconnected solar energy system.

- E. Public projects. The Long Branch governing body or other public agency seeking to construct a solar energy system is exempt from the provisions of this article but shall refer the plan to the planning board for review and recommendation pursuant to the terms of the Municipal Land Use Law at N.J.S.A. 40:55D-31.
- F. Abandonment.
- (1) Notice. An accessory solar energy system, solar energy production facility, or solar carport that is out of service for a continuous twelve-month period shall be deemed abandoned. The municipal Zoning Officer may issue a notice of abandonment to the owner of the abandoned system. The owner shall have the right to respond to the notice of abandonment within 30 days from the receipt date. The municipal Zoning Officer shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides the municipal Zoning Officer with information demonstrating that the system has not been abandoned.
 - (2) Removal. If an accessory solar energy system, solar energy production facility, or solar carport is determined to be abandoned, the owner shall remove the system and all related improvements within 90 days of receipt of the notice of abandonment at the owner's sole expense. The owner shall obtain a demolition permit prior to removing the system. If the owner fails to remove the abandoned system, the municipality may pursue a legal action to have the system removed at the owner's expense.

Article II. Small Wind Energy Systems

[Adopted 5-27-2014 by Ord. No. 15-14]

§ 320-6. Purpose.

The purpose of this article is to promote the safe, effective and efficient use of small wind energy systems while protecting the public health, safety and welfare through appropriate zoning and land use controls. Whereas a purpose of the Municipal Land Use Law^[1] is to promote utilization of renewable energy resources, and existing zoning regulations do not address wind power, the City of Long Branch finds it necessary and appropriate to standardize and streamline the requirements for small wind energy systems.

[1] *Editor's Note: See N.J.S.A. 40:55D-1 et seq.*

§ 320-7. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein.

BOARD

The City of Long Branch Planning Board or Zoning Board.

METEOROLOGICAL TOWER OR MET TOWER

A structure designed to support the gathering of wind energy resource data, and 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. A met tower shall be permitted under the same standards and permit procedures as a small wind energy system.

OWNER

The individual or entity that intends to own and operate the small energy system in accordance with this article.

SETBACK DISTANCE

The horizontal distance from the center of the supporting structure to the nearest property line or to the nearest overhead utility easement or underground petroleum product pipeline easement.

SMALL WIND ENERGY SYSTEM

A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which will be used primarily for onsite consumption.

TOTAL HEIGHT

The vertical distance from the average elevation of the finished grade to the tip of a wind generator blade when the tip is at its highest point, or to the highest point of any stationary or moving component of the wind energy system, whichever is higher.

TOWER

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

ZONE OF VISUAL INFLUENCE

The area over which a proposed small wind energy system may be theoretically visible. The zone may be presented as a map with markings or colorings and may include computer generated simulations.

§ 320-8. Applicability.

- A. General. This article applies to small wind energy systems to be installed and constructed after the effective date of this article. Any upgrade, modification, or structural change that materially alters the size or placement of an existing small wind energy system, or the abandonment of that system, shall comply with the provisions of this article.
- B. Redevelopment areas and areas in need of rehabilitation. The installation, construction or modification of a small wind energy system in any redevelopment area designated by the City of Long Branch pursuant to the Local Redevelopment and Housing Law^[1] shall be exempt from this article and subject instead to the adopted redevelopment plan and/or rehabilitation plan or requirements for that area.

[1] *Editor's Note: See N.J.S.A. 40A: 12A-1 et seq.*

§ 320-9. Standards.

- A. Permitted Accessory Structure. A ground-based small wind energy system shall be a permitted accessory structure in the C-4, RC-1, M, MB, 1, and S-2 Zones and on all publicly owned properties. The primary purpose of the accessory small wind energy system shall be to provide power for the principal use of the property upon which it is located. Only one small energy system is permitted on any given site. Roof-mounted small wind energy systems are prohibited.
- B. Design standards.
 - (1) Minimum Lot Size. The minimum lot size for a small wind energy system shall be one-half acre, provided the lot provides the ability of the small wind energy system to conform to the setback and height requirements below.
 - (2) Location. No portion of small wind energy system shall be located within or above any front yard, side yard, along any street frontage, nor within any required setback of any property.

- (3) Setbacks. A small wind energy system shall be set back a distance equal to the zone's setback requirements for a principal building, one rotor radius plus 15 feet, or 20 feet, whichever is greater. Setbacks may be increased by the Board for reasons of public safety in order to account for the distance to overhead power lines. No portion of a wind generator shall extend beyond the required setback line, or into any of the following:
 - (a) Any public or private right-of-way, easement, or leasehold, unless written permission is granted by the government entity or private party with jurisdiction over said area.
 - (b) Any overhead utility lines, or aerial easements for same, unless written permission is granted by the utility or entity that owns and/or controls the lines.
- (4) Height. A small wind energy system shall not exceed a total height of 50 feet on lots between one-half acre and one acre and 80 feet on lots between one acre and three acres. On lots of three acres or more, a maximum height of 120 feet is permitted. In all cases the bottom of the rotor blade sweep shall be at least 20 feet above the ground surface.
- (5) Noise. The noise level of any small wind energy system shall not exceed 55 dBA at a common property line or 50 dBA at the closest occupied structure. These levels may be exceeded during short-term events such as severe wind storms and utility outages.
- (6) Lighting. A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration. If lighting is required, the owner shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.
- (7) Visual impacts.
 - (a) The wind generator and the tower shall remain painted or finished in the color or finish that was originally applied by the manufacturer or as directed by the Board to blend into the surrounding environment.
 - (b) The applicant shall demonstrate that the small wind energy system's visual impact will be minimized in the zone of visual influence including but not limited to surrounding neighbors and the larger community. This may include but not be limited to information regarding site selection, turbine design or appearance, buffering and screening of ground-based electrical and control equipment, or the reduction or elimination of guy wires, and obstruction of water views.
 - (c) All on-site electrical wires associated with a small wind energy system shall, to the extent feasible, be placed underground.
- (8) Signs. There shall be no signs, either temporary or permanent, on a small wind energy system or any associated building, except for the manufacturer's or installer's identification, appropriate warning signs, or owner identification.
- (9) Access.
 - (a) All ground-mounted electrical and control equipment associated with a small wind energy system shall be labeled and secured to prevent unauthorized access. The tower shall be designed and installed so as not to provide step bolts, a ladder, or other publicly accessible means of climbing the tower, for a minimum height of eight feet above the ground.
 - (b) Any mechanical equipment associated with and necessary for the operation of a small wind energy system, including a building for batteries and storage cells, shall be enclosed with a six-foot-high fence. The supporting tower shall also be enclosed with a six-foot-high fence unless the base of the tower is not climbable for a distance of 12 feet.

- (10) Ancillary buildings. When a building is necessary for storage cells or related mechanical equipment, the building shall be subject to the same setback requirements as the supporting tower and shall not exceed 10 feet in height.
- (11) Clearing. Clearing of natural vegetation shall be limited to that which is absolutely necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances. All applications for a small wind energy system shall conform to the provisions of the City ordinances with respect to tree removal.

§ 320-10. Administration.

- A. Site plan. A zoning permit with grading plan and site plan approval shall be required for the installation of a small wind energy system. In addition to other application materials required by City ordinance, the site plan application shall be accompanied by a plot plan that includes the following:
 - (1) Property lines and physical dimensions of the property.
 - (2) Location, dimensions, and types of existing structures on the property.
 - (3) Location of the proposed small wind energy system tower.
 - (4) The right-of-way of any public road that is contiguous with the property.
 - (5) Any overhead utility lines.
 - (6) Small wind energy system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
 - (7) Tower and tower foundation drawings signed and sealed by a professional engineer licensed in the State of New Jersey;
 - (8) Sound level analysis prepared by the wind turbine manufacturer or qualified engineer including noise levels of the proposed wind energy system at all property lines and at the closest neighboring inhabited dwelling.
 - (9) A visual analysis including photos of the subject property that graphically simulates the appearance of any proposed small wind energy system and indicating its view from at least five locations around and within the zone of visual impact.
 - (10) A report from a structural engineer containing the following: a description of the tower, including a description of the design characteristics and material; and documentation to establish that the tower has sufficient structural integrity for the proposed uses at the proposed location and meets the applicable minimum safety requirements. The applicant shall provide evidence that the proposed tower height does not exceed the height recommended by the manufacturer of the wind turbine.
 - (11) A wildlife habitat assessment report, unless otherwise waived by the reviewing Board, either as part of an environmental impact statement or as a separate report that specifically addresses the wildlife habitat affected by the installation of a small wind energy system.
- B. Expiration. Site plan approval shall expire if the small wind energy system is not installed and functioning within 24 months from the date of approval or if the small wind energy system is abandoned as provided for in this article.
- C. Utility notification and interconnection. Prior to the installation of a small wind energy system, the owner of the system shall provide the construction official and/or zoning officer with written

confirmation that the public utility company has been informed of the owner's intent to install an interconnected small wind energy system.

- D. Public projects. The governing body or other public agency seeking to construct a wind energy system is exempt from the provisions of this article but shall refer the plan to the Planning Board for review and recommendation pursuant to the terms of the Municipal Land Use Law at N.J.S.A. 40:55D-31.
- E. Abandonment.
- (1) Notice. A small wind energy system that is out of service for a continuous twelve-month period shall be deemed abandoned. The municipal Zoning Officer may issue a notice of abandonment to the owner of an abandoned small wind energy system. The owner shall have the right to respond to the notice of abandonment within 30 days from the receipt date. The municipal Zoning Officer shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides the municipal Zoning Officer with information demonstrating the small wind energy system has not been abandoned.
 - (2) Removal. If the small wind energy system is determined to be abandoned, the owner of the small wind energy system shall remove the wind generator from the tower at the owner's sole expense within 90 days of receipt of notice of abandonment. The owner shall obtain a demolition permit prior to removing the system. If the owner fails to remove the wind generator from the tower, the municipality may pursue a legal action to have the wind generator removed at the owner's expense.