

## Chapter 170. Land Use

### Part 2. Zoning

#### Article IV. District Regulations

##### § 170-23. P-BR District use regulations.

[Amended 11-6-2002 by Ord. No. 2002-10; 10-21-2003 by Ord. No. 2003-11; 8-21-2007 by Ord. No. 2007-08]

- A. Permitted uses. In the P-BR District, no building or premises shall be used and no building shall be erected or altered on a lot which is arranged, intended or designed to be used, except for one or more of the following uses:
- (1) Farm and agricultural uses of land subject to the regulations contained in § 170-38G of this Part 2.
  - (2) The sale and processing of agricultural products raised or grown on the particular farm from which it is sold, subject to the regulations contained in § 170-38G of this Part 2.
  - (3) Detached single-family dwelling units.
  - (4) Public and nonprofit playgrounds, athletic fields, swimming pools, conservation areas, parks and public purpose uses.
  - (5) Temporary buildings, temporary construction offices and temporary storage of materials, provided that such use is located on the lot where construction is taking place or on a lot adjacent to or part of the development site, and that such temporary use is to be terminated within 30 days of issuance of a final certificate of occupancy for the total project, or work is abandoned according to N.J.A.C. 5:23-2.5(c)2.
  - (6) Buildings, structures and uses owned and operated by the Township of Quinton.
  - (7) Accessory uses and accessory buildings incidental to the above uses and located on the same lot.
  - (8) Home occupations as part of a continued existing residential use, occurring subject to the criteria governing such home occupations as contained in § 170-44.
  - (9) Community residences for developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, adult family care homes for elderly persons and physically disabled adults and all other entities which may, in the future, be set forth in N.J.S.A. 40:55D-66.1 and N.J.S.A. 40:55D-66.2.
  - (10) Eligible facilities requests, as defined in § 170-7C, for modification of lawfully existing wireless telecommunications towers or lawfully existing base stations that do not substantially change the physical dimensions of such towers or base stations, if approved by the Quinton Township Zoning Officer pursuant to the procedures set forth in § 170-176. (See also Part 7, Article

**XXVII**, of this Chapter **170** for procedures applicable to variance applications for wireless telecommunications facilities.)

[Added 5-1-2018 by Ord. No. 2018-02]

- B. Conditional uses. In the P-BR District, the following uses may be permitted as conditional uses:
- (1) Public and private elementary, junior and high schools subject to the requirements of Subsection **B(12)(a)** and **(b)** of this section, in addition to minimum lot sizes as established by the New Jersey State Department of Education for school facilities.
  - (2) Home occupations subject to the regulations contained in § **170-44**.
  - (3) Public libraries and museums, subject to the requirements of Subsection **B(12)(1)(b)** and **(d)** of this section.
  - (4) Social clubs, fraternal, veterans', social services, union and civic organizations, subject to the following special requirements:
    - (a) The project meets criteria set forth under Subsection **B(12)(a)**, **(b)** and **(d)** of this section.
    - (b) The project is designed to be structurally compatible and in keeping with the architectural character of the neighborhood in which it is to be located.
    - (c) Undue traffic congestion on streets providing access to the project is not created.
    - (d) Adequate landscaping or screening from adjacent residential lots along each side and rear lot line in accordance with standards established herein and in Part 3, Site Plans, is provided.
  - (5) Water storage tank or tower, water reservoir, water or sewer pumping station and water or sewage treatment plant, subject to the following requirements:
    - (a) The project is designed to be structurally compatible and in keeping with the architectural character of the neighborhood in which it is to be located.
    - (b) The project is in keeping with the Master Plan or Utility Master Plan of the Township.
    - (c) The project conforms with yard setbacks for the district in which it is to be located.
    - (d) Adequate landscaping in conformance with standards established in §§ **170-39** and **170-40** of this Part **2** is provided.
  - (6) Substation, electric and gas facilities, and all other public utilities, subject to the following requirements:
    - (a) All those requirements of Subsection **B(5)** above are fulfilled.
    - (b) No storage of materials and trucks and no repair facilities or housing of repair crews, except within completely enclosed buildings, shall be permitted.
  - (7) (Reserved)<sup>[1]</sup>
    - [1] *Editor's Note: Former Subsection B(7), Transmission lines, transmitting and receiving antennas or aerials, was repealed 5-1-2018 by Ord. No. 2018-02.*
  - (8) Day-care centers, day camps, kindergartens, preschools, day nursery schools, subject to the following special requirements:
    - (a) At least 100 square feet of outdoor play space per child shall be provided.
    - (b) Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas or land unsuited by other usage or natural features for children's active play space.

- (9) The taking in of nontransient boarders or roomers by a family resident on the premises, subject to the following special requirements:
- (a) There shall be no display or advertising on the premises in connection with such use.
  - (b) There shall not be more than two boarders or roomers in any one dwelling.
  - (c) There shall be adequate off-street parking.
- (10) Open space cluster development, provided that either public water or public sewer is available and subject to the provisions of certain Planning Board findings for planned developments as well as other requirements for such developments outlined in § 170-25 of this Part 2.
- (11) Community residences for the developmentally disabled involving more than six such persons in a dwelling and conversions of dwellings for such persons subject to the following requirements:
- (a) Such facility shall not be within 1,500 feet of an existing similar facility.
  - (b) Such facility shall not cause the Township's population of developmentally disabled persons occupying existing dwellings in the Township to exceed 50 or more such persons or 0.5% of the Township's total population, whichever is larger.
  - (c) Such facility shall be licensed by the State of New Jersey.
  - (d) Conversions of existing dwellings for such residences shall meet required occupancy standards promulgated by the licensing state agency.
  - (e) A minimum lot area of two acres shall be required.
  - (f) Adequate off-street parking shall be provided for staff and visitors.
  - (g) Rear and side yard landscape strips shall be installed.
  - (h) No additional exterior construction shall be permitted nor any exterior alterations shall be allowed which would change the residential appearance of the existing dwelling.
- (12) Church or other place of worship, parish house subject to the following special requirements:
- (a) The location of access driveways, landscaping and site plan design shall be compatible with the neighborhood in which it is to be located.
  - (b) No building or part thereof or any parking or loading area shall be located nearer than 50 feet to any street line or lot line.
  - (c) A parish house, rectory or parsonage shall conform to the requirements for a single-family dwelling.
  - (d) The minimum lot area shall be two acres.
- (13) Soil removal in accordance with the requirements of § 170-55.
- (14) Planned adult communities in accordance with the requirements of § 170-56.
- (15) Mobile home parks in accordance with the requirements of § 170-57.

## Chapter 170. Land Use

### Part 2. Zoning

#### Article V. General and Supplemental Use Regulations

##### § 170-38. Accessory structures and uses.

- A. Accessory building as part of principal buildings. Any accessory building attached to a principal building shall be considered part of the principal building, and the total structure shall adhere to the yard requirements for the principal building, regardless of the technique of connecting the principal and accessory buildings.
- B. Accessory buildings not to be constructed prior to principal building. No construction permit shall be issued for the construction of an accessory building for the purpose of occupancy prior to the issuance of a construction permit for the construction of the main building upon the same premises. If construction of the main building does not precede or coincide with the construction of the accessory building, the Construction Official shall revoke the construction permit for the accessory building until construction of the main building has proceeded substantially toward completion.
- C. Distance between adjacent buildings. The minimum distance between an accessory building and any other building(s) on the same lot shall be as prescribed in Article IV, except that no poultry or livestock shelter shall be erected nearer than 100 feet to any dwelling on the same lot.
- D. Height of accessory buildings. The height of accessory buildings shall be as prescribed for principal structures in Article IV.
- E. Location. The following provisions shall govern the location of accessory uses:
  - (1) Accessory uses shall be permitted only on the same lot and within the same zoning district, unless otherwise indicated, with the principal building to which they are accessory except for parking as required in Part 3, Site Plans, and retention detention basins as noted in Part 5, Provisions Applicable to Site Plans and Subdivisions.
  - (2) All accessory uses shall be such as do not alter the character of the premises on which they are located or impair the neighborhood. Such accessory uses shall not be located in any front, side or rear yard area, unless otherwise permitted in this Part 2. Accessways to off-street parking and loading areas may cross front yard areas or the yard area abutting a principal street from which site access is to be provided.
- F. Bulk area regulations. No distinction is made in the dimensional limitations between principal and other buildings or structures referred to as accessory, except as permitted in this Part 2. All such accessory buildings or structures or uses shall be governed by the bulk and area regulations of the district within which they are located.
- G. Farm and agricultural uses. In the districts where farm and agricultural uses are permitted, the following additional provisions governing their use shall apply:
  - (1) Such uses are conducted upon a lot not less than five acres in area.

- (2) No building or structure used for shelter or enclosure of fowl, game, horses, farm livestock or adult dogs shall be closer to any property line than 200 feet.
  - (3) Buildings used for the shelter of fowl of any kind shall have a maximum usable floor area of 2,000 square feet for the first 10 acres and 5,000 additional square feet for each additional acre.
  - (4) One domestic horse for the personal use of the occupants of the residence may be maintained on any lot at least three acres in size.
  - (5) The display for sale of products grown or raised by the owner, tenant or lessee on a roadside stand shall only be permitted where:
    - (a) The sale of such products are within the confines of the property upon which they have been grown or raised.
    - (b) The place of sale or storage of any such products, whether of a permanent or temporary nature, shall not be closer than 100 feet to any side lot line.
    - (c) The sale of any such products shall not have a deleterious effect on adjoining properties by reason of nuisance or health hazard.
    - (d) The sale of any such products shall also require that a suitable amount of off-street parking and loading space as required in Part 3, Site Plans, be provided.
- H. Swimming pools, tennis courts and similar personal recreational facilities in residential zones. Except for portable swimming pools less than three feet in height and less than 10 feet in length or diameter, the following regulations shall apply to permanent and portable swimming pools, tennis courts and similar recreational facilities accessory to a residential use:
- (1) Said use shall be erected on the same lot as the principal structure.
  - (2) Said use shall comply with the minimum setback and yard requirements for principal structures.
  - (3) Said use shall be appropriately screened and fenced so as not to adversely affect adjoining properties.
  - (4) Said use shall meet all applicable codes and ordinances of the Township of Quinton and any regulations of a county or state agency.
  - (5) A pool or water surface shall not be counted as part of a lot's maximum improvement coverage requirements.
- I. Storage sheds in residential districts. Such storage facilities on the same lot as the principal structure may be located within 10 feet of the required side and rear yards but shall conform to front yard setback requirements for principal structures. Storage sheds on corner lots shall not be located closer to the side street property line than the required setback line for a front yard in the zoning district within which the lot is located.
- J. Solar energy systems.  
[Added 10-4-2016 by Ord. No. 2016-08; 5-4-2021 by Ord. No. 2021-06]
- (1) Solar energy systems shall be accessory uses to the permitted principal and other accessory uses on a lot and shall not involve the production of power for off-premises consumption nor shall such a use constitute the principal use of any lot. This prohibition shall not be interpreted to preclude the sale of excess power from a solar energy system back to the public electric utility provider. For systems intended for uses other than the ones stated, or for any commercial projects, site plan approval is required.
  - (2) Either rooftop and building-mounted solar collectors or ground-mounted arrays and freestanding solar collectors, or both, are permitted to be installed on a lot.

- (3) Rooftop and building-mounted solar collectors are permitted in all zoning districts, subject to the following requirements:
  - (a) Installation of rooftop and building-mounted solar collectors shall require a zoning permit from the Zoning Officer and a building permit from the Construction Office prior to installation.
  - (b) Solar panels shall not be installed so as to be located above the highest point of the roof surface or structure. In no event shall the placement of solar panels or any part of the solar energy system result in a total height greater than what is permitted for a principal building in the zoning district which the lot is located.
  - (c) No part of the solar panels or solar energy system shall extend beyond the edge of the roof.
  - (d) All zoning permit application requirements spelled out in Subsection **J(9)** must be met.
- (4) Ground-mounted arrays and freestanding solar collectors are permitted as accessory structures in all zoning districts subject to the following requirements:
  - (a) Installation of ground-mounted arrays and freestanding solar collectors, and all related equipment and components such as, but not limited to, fences, containers, enclosures, mounting panels, meters, and batteries, shall require a zoning permit from the Zoning Officer and a building permit from the Construction Office prior to installation.
  - (b) Ground-mounted arrays and freestanding collectors, and all related equipment and components such as, but not limited to, fences, containers, enclosures, mounting panels, meters, and batteries, must comply with all yard setback requirements for accessory structures in the zoning district in which the lot is located.
  - (c) Ground-mounted arrays and any related equipment and components such as, but not limited to, fences, containers, enclosures, mounting panels, meters, and batteries, shall not be located between the principal building and any street that abuts the lot.
  - (d) The number of solar collectors at the lot shall be sufficient to serve, and not unreasonably exceed, the electricity needed for structures and uses lawfully permitted on the lot.
  - (e) Ground-mounted arrays shall not exceed 10 feet in height, when oriented at maximum tilt. Related equipment and components shall not exceed the height of the ground-mounted arrays.
  - (f) Ground-mounted arrays shall be excluded from the calculation of the lot (impervious) coverage if mounted on a lawn or a vegetated area, but related equipment and components shall not be so excluded.
  - (g) A plot plan survey must be submitted to show the location of the proposed ground-mounted array and freestanding solar collectors and all related equipment and components such as, but not limited to, fences, containers, enclosures, mounting panels, meters, and batteries.
  - (h) All zoning permit application requirements spelled out in Subsection **J(9)** must be met.
- (5) Applications for a solar energy system shall include information demonstrating compliance with the provisions of this section.
- (6) Solar energy systems shall not be used for the display of signage or advertising.
- (7) Where site plan approval is required elsewhere in this chapter for a development or activity, the site plan review shall include review of the adequacy, location, arrangement, size, design, buffering, screening, visual attributes, and general site compatibility of solar collectors.

- (8) The solar energy systems shall remain painted or finished in the color or finish that was originally applied by the manufacturer. The exterior surface of any visible components shall be a nonreflective, neutral color like white, grey or another nonobtrusive color. Finishes shall be matte or nonreflective.
- (9) The application for a zoning permit shall include all of the following documents and information which the Zoning Officer may submit to the Planning Board for a courtesy review. The information must demonstrate compliance with the provisions of this section.
  - (a) A zoning permit shall be required for the installation of a solar energy system.
  - (b) Structural engineering information and data for rooftop and ground-mounted arrays from a licensed New Jersey engineer must be submitted.
  - (c) The zoning permit application shall be accompanied by a plot plan survey which includes the following:
    - [1] Lot lines and dimensions.
    - [2] Location, dimension, and types of existing major structures on the lot.
    - [3] Location, dimension, and type of the proposed solar energy system.
    - [4] Orientation of the solar energy system.
    - [5] The right-of-way of any public road that abut the lot.
    - [6] Overhead utility lines and easements.
  - (d) Fee. The application for a zoning permit for a solar energy system must be accompanied by the zoning permit fee.
  - (e) Expiration. A permit issued pursuant to this subsection shall expire if:
    - [1] The solar energy system is not installed and functioning within 24 months from the date the permit is issued; or
    - [2] The energy system is out of service or otherwise unused for a continuous twelve-month period.

## § 170-38.1. Solar energy systems for commercial use.

[Added 8-6-2014 by Ord. No. 2014-10]

In response to the diminishing supply and increasing cost of conventional energy resources, the Township of Quinton has enacted an ordinance to protect the potential for the use of solar energy. It is the purpose of this regulation to promote the safe, effective, and efficient use of solar energy systems installed to reduce carbon emissions and decrease demand on conventional energy resources to protect the health, safety, and welfare of adjacent residential homeowners and agricultural businesses from nuisances and inappropriate land uses through proper zoning and land use controls.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

### **ARRAY**

An electrical device consisting of a large array of connected solar cells.

### **PRINCIPAL SOLAR ENERGY SYSTEM**

A solar array on land as the primary use of that land which consists of one or more cells, panels, or arrays designed to collect and convert solar power into another form of energy such as electricity or heat that will be connected to the utility grid, used for the generation of power

for the sale of energy to other users not on site, or provided under a power purchase agreement (PPA) on a parcel adjacent to the principal/primary end user.

## **SOLAR PANEL**

A panel or group of panels known as an "array" that captures and converts solar radiation to produce electric power.

### **B. General requirements for a principal solar energy system.**

- (1) A solar energy system shall be permitted in the P-BR District, HC District, LIO District or M District subject to specific criteria as set forth below:
  - (a) The applicant shall obtain site plan approval from the Quinton Township Planning Board in accordance Part **3** of Chapter **170** of the Township Code.
    - [1] Site plans and zoning permit applications for solar energy systems shall be accompanied by standard drawings of the solar panels, inverters, substations and any other required structures. The design shall be signed and sealed by a professional engineer, registered in the State of New Jersey, certifying that the design complies with all of the standards set forth in all applicable codes then in effect in the State of New Jersey and all of this section.
  - (b) The applicant shall submit a stormwater management plan that demonstrates that stormwater will infiltrate into the ground beneath the solar energy system at a rate equal to that of the infiltration rate prior to placement of the system.
  - (c) All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
  - (d) A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
  - (e) A minimum of one sign shall be posted near ground level on the interconnection cabinet warning of high voltage. In addition, the following information shall be posted on a label or labels on the interconnection cabinet of the solar energy system:
    - [1] The maximum power output of the system.
    - [2] Nominal voltage and maximum current.
    - [3] Manufacturer's name, address and telephone number, serial number and model number.
    - [4] Emergency and normal shutdown procedures.
  - (f) Should the solar energy system interconnection cabinet be located on the inside of a structure, a sign notifying of the existence of a solar energy system shall be placed on the outside of the building, near the electrical and/or gas meter, in order to notify emergency personnel of the solar energy system. When a building or cabinet is necessary for storage cells or related mechanical equipment, it must be documented as to the necessity. The building may not exceed 120 square feet in area nor eight feet in height and must be located at least the number of feet equal to the accessory building setback requirements of the zoning district from any property line. Any mechanical equipment associated with and necessary for operation, including any building or cabinet for batteries and storage cells, shall be equipped with a lock, and a small sign shall be posted on the outside of the building or cabinet notifying of the existence of solar energy system batteries and storage cells in order to notify emergency personnel.
  - (g) Any approval of a solar energy system does not create any actual or inferred solar energy system easement against adjacent property and/or structures. The owner and/or property owner of a solar energy system shall not infer or claim any rights to protective writs to any



caused shadows or operating ineffectiveness against future development adjacent to or higher than the property location of the solar energy system. The approval of any solar energy system granted by the Township of Quinton under this article shall not create any future liability or infer any vested rights to the owner and/or property owner of the solar energy system on the part of the Township of Quinton, or by any other officer or employee thereof, for any future claims against said issuance of approval of the solar energy system that result from reliance on this article or any administrative decision lawfully made thereunder.

- (h) The applicant shall submit a plan for the removal of the principal solar energy system including all solar panels, invertors, transmission lines, electrical wires, storage houses, utility buildings and other items related to the collection and generation of solar energy when it becomes functionally obsolete, abandoned after 12 months, or is no longer in use. The principal solar energy system owner is required to notify the Township immediately upon cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within six months from the date the applicant ceases use of the facility or the facility becomes obsolete. At the time of issuance of the permit for the construction of the principal solar energy system, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures. The applicant shall estimate the cost of removal of the system, to the satisfaction of the Township Engineer, and create an escrow account for this removal expenditure. The funds shall be used by the Township to remove the energy system or return to the developer upon completion if said developer removes the energy system.
  - (i) The owner of the solar energy system shall provide written authorization from the local utility company to the Township acknowledging and approving such connection.
  - (j) At a minimum, a twenty-five-foot-wide access road must be provided from a state, county or Township roadway into the site.
  - (k) At a minimum, an eighteen-foot-wide cartway shall be provided between solar panel racking systems to allow for maintenance vehicles and emergency management vehicles including fire trucks and EMS vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.
- (2) Fence. All mechanical equipment for the solar energy system including any solar panels, invertors, buildings, structure for batteries or storage cells, shall be completely enclosed by a minimum eight-foot-high fence with a self-locking gate. Fences are not permitted in the front, side or rear yard setbacks.
- (3) General buffer and screen composition.
- (a) Purpose and applicability.
    - [1] Buffers and screens shall be included with submitted site plans and subdivision applications.
    - [2] The primary purposes of screening buffers is to preserve the rural viewsheds along county and state roads in accordance with the Township, county, and state Master Plans and to reduce noise generated from larger solar energy systems in order to protect the rural character of Quinton and the adjacent residential homes.
  - (b) A fifty-foot screening buffer is required from any state, county, or Township road, residential use or residential zoning district.
  - (c) Screening buffer widths shall be measured parallel from the property line or right-of-way line, whichever will provide the greatest distance from the roadway pavement.
  - (d) All mechanical equipment shall be screened from any adjacent residential property line or residential use. The screen shall consist of shrubbery, trees, or noninvasive plant species

which provides an opaque screen. Plant screens shall be reviewed and approved by the Township Planner.

- (e) Buffers and screens may be comprised of existing vegetation and natural features; proposed new or transplanted vegetation; or existing or proposed fences, walls and/or berms. When berms are included in a buffer, a curvilinear or naturalistic arrangement is encouraged.
  - (f) No structure, activity, storage of materials or parking of vehicles shall be permitted within a buffer area.
  - (g) Buffering screens shall be designed, planted, graded, landscaped and developed with the general guideline that buffer must obscure the visual of solar energy system and mitigate noises generated on the site.
  - (h) Screening buffers shall contain the following quantity of plant material per 50 lineal feet: two shade trees, plus two evergreen trees, plus 20 shrubs.
  - (i) Screening buffer plantings shall achieve an 80% opacity after five years' growth.
- (4) Vegetation management.
- (a) No more than 21,780 square feet of vegetation may be cleared for a solar energy system which is used to generate power for a utility company or as part of a PPA agreement. A vegetation management plan shall be submitted at the time of site plan application if there is more than 21,780 square feet of vegetation being cut or removed from the site. The vegetation management plan shall contain the following information:
    - [1] Location of existing natural features, including wooded areas, watercourses, wetlands, and floodplains.
    - [2] Location of all existing or proposed buildings, driveways, grading, septic fields, easements, underground utility lines, rights-of-way, and other improvements.
    - [3] Location of all existing live trees, with trunk diameters of five inches or greater, measured 4 1/2 feet above ground level. Each tree shall be noted by its species, size and general health condition. Whenever possible, the actual canopy spread shall be shown. If it must be estimated, the canopy shall equal 1 1/2 inches of diameter per one inch of trunk diameter. If the trees to be preserved are part of a wooded area, only the outermost canopy line need be shown; unless disturbance is proposed, then individual trees located within 50 feet of the proposed edge of the woodland shall be shown.
    - [4] Each tree, or mass of trees, to be removed or transplanted shall be clearly marked as such.
    - [5] A chart tabulating the diameter inches being removed, the required diameter inches to be replaced, and the equivalent number of compensatory trees.
  - (b) Specifications for the removal of existing trees and for the protection of existing trees to be preserved, including detail(s) of tree protection fencing.
  - (c) Compensatory planting.
    - [1] In the event that preservation of existing vegetation on the site is impossible, relocation of improvements impractical, and more than 21,780 square feet of vegetation is being removed then compensatory planting shall be required for each live tree on the site, and each specimen tree anywhere on the site.
    - [2] Trunk diameters shall be measured according to the following guidelines:
      - [a] For single-trunked shade trees, at a point 4 1/2 feet above ground level.

- [b] For single-trunked ornamental trees, at a point 12 inches above ground level.
  - [c] For evergreen trees, at a point 12 inches above ground level.
  - [d] For multi-trunked trees that branch between one and 4 1/2 feet above ground level, at a point just below the split.
  - [e] For multi-trunked trees that branch below one foot above grade, the diameter shall be 60% of the sum total of all trunks measured at a point 4 1/2 feet above ground level.
- (d) Compensatory trees shall be provided in the following ratios, based on the sum total of the diameter inches of trees being removed. These standards are applicable to both deciduous and evergreen trees. Compensation is not required for shrubs, unless otherwise required by the Planning Board.
- [1] For trees five to 24 inches in diameter, one inch of new tree caliper shall be provided for every one inch of existing tree diameter cut or removed.
  - [2] For trees 24 inches in diameter or greater (specimen trees), two inches of new tree caliper shall be provided for every one inch of existing tree diameter cut or removed.
  - [3] For existing street trees within the right-of-way, one tree, with a caliper of three to 3 1/2 inches, shall be replanted in the street tree planting strip.
  - [4] For other significant areas of woods containing deciduous trees smaller than five inches in diameter, or evergreens less than six feet in height, replanting shall be with seedling material, of comparable native species, placed on a ten-foot-by-ten-foot grid. Compensation shall be at a rate of one square foot of new planting area for one square foot area of disturbance. This material may be bare root or container grown stock.
  - [5] The number of compensatory trees should be calculated from the total diameter inches to be replaced, divided by three, rounded up to the next whole number.
- (e) Compensatory trees shall be three to 3 1/2 inches in caliper, and planted in accordance with the above standards. Evergreen and ornamental trees may be substituted at a ratio of two to one shade tree, for up to 50% of the requirement. Alternative types of compensatory planting may be permitted, when approved by the Planning Board.
- (f) Locations of compensatory trees must be clearly labeled on the landscape plan. They may be placed anywhere on the site, but are in addition to other required trees.
- (g) In the event that the applicant establishes to the satisfaction of the Planning Board that constraints incident to the land itself (including, without limitation, extreme topography, unsuitable soils, rock outcrops and existing uninterrupted dense canopy) render it impractical to locate on the lot the required number of compensatory trees, then, at the election of the Planning Board, the applicant shall:
- [1] Install a portion of the required compensatory trees on other public lands within the Township; and/or
  - [2] Contribute to the Township the cost of those trees which cannot practically be installed on the property for later installation of trees on public lands. The fee shall be \$35 per tree removed, up to a maximum of \$700 per acre; and/or
  - [3] Install fewer, larger or more valuable compensatory trees on the lot with an aggregate cost as installed and guaranteed not less than the estimated aggregate cost of the required number of compensatory trees.
  - [4] Whichever alternative is elected by the Board shall serve as the basis for calculating the required financial security in conformance with § 190-75A(6) above.

C. Development standards for all principal solar energy systems and accessory structures.

- (1) Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties, businesses, residential homes, or roadways. The applicant shall submit certifications from an engineer or manufacturer that the design will not cause a reflection or noise nuisance to adjacent property owners or flow of traffic on nearby roadways.
- (2) The design of the solar energy system shall conform to all applicable industry standards including New Jersey Uniform Construction Code, New Jersey Department of Community Affairs, National Electric Code, and Quinton Township Building Codes and Zoning Regulations. The applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certified organization and any such design shall be certified by an engineer registered in the State of New Jersey. The manufacturer specifications shall be submitted as part of the application.
- (3) If the ground-mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground-mounted solar energy system shall be graded and reseeded.
- (4) Ground-mounted panels shall not be placed in any road easements, deed-restricted areas, wetlands, wetland buffers, landscape buffers, property buffers, floodplains, floodplain buffers or any other buffer zones without written approval from the governing agency.
- (5) All electrical and power lines from a ground-mounted solar energy system to any building or other structure shall be located underground.
- (6) Mechanical equipment shall not be located in the front yard, side yard, or rear yard setbacks.
- (7) Solar panels shall not be placed in any air hazard zone, airport buffer zone, or in the vicinity of any airport in a manner that would interfere with airport flight patterns. Acknowledgement and approval must be received from air agency.
- (8) No portion of the solar panel, including the racking system, poles, or ballast, shall contain or be used to display advertising. The manufacturer and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system, provided that they comply with the prevailing sign regulations.
- (9) A solar energy system shall not be constructed until a building and/or construction permit has been approved and issued.
- (10) Before any construction can commence on any solar energy system, the property owner must acknowledge that he/she is the responsible party for owning and maintaining the solar energy system.
- (11) The solar energy system shall comply with all other Township ordinances and codes, as heretofore enacted and amended, shall remain in force and effect.
- (12) Solar panels shall not be included in any calculation of impervious surface or impervious cover pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-38.1).
- (13) No solar-energy collection panels, supporting structures, fixtures and piping shall be located in any public rights-of-way, conservation or other easements.
- (14) Solar panels shall not be mounted on trees.
- (15) Ground arrays shall be located so that any glare is directed away from an adjoining property.
- (16) Solar panels shall not be included in any calculation of impervious surface or impervious cover pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-38.1).

D. Solar energy systems on preserved or commercial farms.

- (1) Solar energy systems installed on preserved farms shall be regulated pursuant to the New Jersey Agricultural Retention and Development Act (N.J.S.A. 4:1C-11 et seq.). Developers of solar energy systems on preserved farms shall comply with P.L. 2009, c. 213 (N.J.S.A. 4:1C-32.4 et seq.).
- (2) Ground-mounted solar energy generation facilities shall be constructed in compliance with the following system height, setback and screening standards:

<b>Mounting</b>	<b>System Height</b>	<b>Size of Occupied Area</b>	<b>Minimum Setback to an Adjacent Residence Existing at the Time of System Installation and Not Located on the Commercial Farm</b>	<b>Minimum Setback to Property Line or Public Roadway Right-of-Way</b>	<b>Required Screening</b>
Ground	Up to 2 feet	Up to 1 acre	200 feet	100 feet	Not required
Ground	Greater than 2 feet	Up to 1 acre	300 feet	150 feet	Not required
	Up to 10 feet				
Ground	Up to 10 feet	Greater than 1 acre	300 feet	150 feet	Required
		Up to 10 acres	400 feet	300 feet	Not required
Ground	Greater than 10 feet	Up to 10 acres	300 feet	300 feet	Required
	Up to 20 feet		500 feet	400 feet	Not required

- (3) Solar energy generation facilities shall not exceed a maximum system height of 20 feet.
- (4) Solar energy generation facilities shall be located in a manner that minimizes views of the facilities from public roadways and existing residences not located on the commercial farm, by utilizing existing visual barriers, including, but not limited to, buildings, trees, hedgerows and preexisting natural topography to the maximum extent possible.
- (5) The land used for the renewable energy system may be eligible for farmland assessment if:
  - (a) The property is part of an operating farm.
  - (b) In the prior tax year the land used for the renewable energy system was valued, assessed and taxed as agricultural or horticultural land.
  - (c) The power or heat generated is used to provide power or heat to the farm or agricultural or horticultural operation supporting the viability of the farm, though not necessarily exclusively.
  - (d) The property owner has filed a conservation plan with the soil conservation district to account for the aesthetic, impervious coverage and environmental impacts of the renewable energy facilities and the conservation plan has been approved by the district.
  - (e) Where ground-mounted solar panels are installed, the property under the solar panels is used to the greatest extent practicable for the farming of shade crops or for pasture grazing.
  - (f) The amount of acreage devoted to the structures needed for the renewable energy facility does not exceed a ratio of one to five for land devoted to renewable energy facilities and land devoted to agricultural operations.

- (g) The renewable energy facilities are constructed or installed on no more than 10 acres of the farmland for which the owner is applying for valuation, assessment and taxation and no more than two megawatts are generated on the 10 acres or less.
- (h) Income received for energy generated may not be considered income for farmland assessment eligibility.

## § 170-44. Home occupations.

- A. Home occupations shall be permitted in all residence districts, provided that:
- (1) No person other than members of the family residing on the premises plus one outside employee shall be engaged in such occupation. The person whose occupation is being operated from the home shall reside on the premises.
  - (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the principal dwelling on the lot, except those used for farm purposes, shall be used in the conduct of the home occupation.
  - (3) Such occupation shall:
    - (a) Be pursued only in single-family dwelling units.
    - (b) Give no external evidence of nonresidential use other than a small nameplate sign not to exceed one square foot in size.
    - (c) Not display products visible from the street.
  - (4) The lot upon which the premises is located shall be 3/4 acre or larger, and no traffic or parking shall be generated in excess of three passenger automobiles at any one time in addition to those used by the owner or tenant, all of which must be parked off-street, in properly designed spaces; except that a home occupation may be located in a single-family dwelling unit on a lot smaller than 3/4 acre if no employees are hired therefor, the occupation does not generate more than one passenger automobile at any one time in addition to those used by the owner or tenant, and only one off-street parking space is provided for use of customers of the home occupation.
  - (5) No mechanical or electrical equipment shall be used that will be detectable to the normal senses or that will create electrical or audio interference.
  - (6) The retail sale of goods shall not be construed to be a home occupation under the terms of this Part 2.
  - (7) There shall be no more than one home occupation in any one dwelling unit.
  - (8) Applicants for home occupation permits proposing to hire an employee or provide more than one off-street parking space for customers shall, by certified mail, return receipt requested, provide notice to all property owners within 200 feet of the lot upon which the home occupation is proposed to be located specifying that the applicant has applied for a home occupation permit, setting forth the substance of the application and stating that the Zoning Officer will decide the application 30 days from the date of the notice unless the Zoning Officer receives written objections thereto. If the Zoning Officer receives written objections, he shall grant or deny the application, with or without conditions, or refer the application to the Planning Board for site plan review.