

ORDINANCE NO. 2024-03
FRANKLIN TOWNSHIP
HUNTERDON COUNTY, NEW JERSEY

**ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 220 –
LAND USE – BY REMOVING SECTION 220-24.2 ENTITLED “GROUND ARRAY
SOLAR ENERGY SYSTEM” FROM ARTIVLE V – CONDITIONAL USES – AND
INSERTING SAME INTO ARTICLE III – USE REGULATIONS – TO DESIGNATE
GROUND ARRAY SOLAR ENERGY SYSTEMS AS A PERMITTED ACCESSORY USE
IN THE TOWNSHIP**

WHEREAS, the Township Committee of the Township of Franklin, County of Hunterdon, State of New Jersey had passed an Ordinance No. 2023-06, which allows the installation of ground array solar energy systems in RR-5.0 Zones as well as lowers the minimum acreage requirement concerning same; and

WHEREAS, the intent of the Ordinance was to obviate the need for the applicant, seeking to erect a ground array solar energy system, to appear in front of the Township’s Land Use Board; and

WHEREAS, although the Ordinance lowered the minimum acreage requirements as well as permitted the erection/installation of ground array solar energy systems in RR-5.0, as well as AR-7.0 Zones, the Township Code nonetheless currently requires an applicant to appear in front of the Land Use Board, despite the Township’s intention to remove such requirement; and

WHEREAS, the Township Committee believes that it is in the best interest of the Township and its residents to remove the Section 220-24.2 entitled “Ground Array Solar Energy System” from Article V – Conditional Uses – and to insert same into Article III – Use Regulations – to allow the installation of Ground Array Solar Energy System(s) as a permitted use in AR-7.0 and RR5.0 Zones.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Franklin, County of Hunterdon, State of New Jersey, that Section 220-24.2 entitled “Ground Array Solar Energy System” is hereby deleted in its entirety and that Section 220-10 – Zone District Regulations – be amended to include Ground Array Solar Energy System as a permitted accessory use and structure, as follows:

SECTION I:

Section 220-24.2 – Ground Array Solar Energy System – is hereby deleted in its entirety.

SECTION II:

Section 220-10 – Zone District Use Regulations – is hereby amended as follows:

Inserts to this section shall be delineated by underlined text thusly.

Deletions to this section shall be delineated by strikethrough text ~~thusly~~.

§ 220-10. Zone District Use Regulations.

A. AR-7.0 Agricultural Residential and RR-5.0 Rural Residential Zones.

(1) [. . .]

(2) [. . .]

(a) [. . .]

(i) Ground Array Solar Energy System.

Ground array solar energy systems are permitted provided the following are satisfied:

- a. The primary purpose of a ground array solar energy system shall be to provide power for the principal and/or accessory use of the property whereon said system is to be located and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a ground array solar energy system designed to meet the energy needs of a principal use.
- b. Ground array solar energy systems shall comply with the principal structure setbacks in the underlying zone.
- c. Said use shall be located in the rear yard and a maximum of 15 feet tall.
- d. Said use shall be screened from any adjacent home within 250 feet of the system. Screening shall consist of six-foot-tall evergreen shrubs and/or trees or a solid fence.

(3) Conditional Uses and Structures.

(a) [. . .]

~~(e) Ground array solar energy system as an accessory use in accordance with the provisions of § 220-24.2.~~

SECTION III: Repealer.

Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Franklin inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION IV: Severability.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged to be unconstitutional or invalid by a

court of competent jurisdiction the remainder of this Ordinance shall remain in full force and effect.

SECTION V: Effective Date.

This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Franklin held on March 21, 2024 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on April 25, 2024 at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Franklin Township Municipal Building, 202 Sidney Road, Pittstown, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Christine Burke
Township Clerk

**FRANKLIN TOWNSHIP
HUNTERDON COUNTY**

PUBLIC NOTICE is hereby given that the following titled Ordinance was introduced by the Franklin Township Committee at a regularly scheduled meeting held on Thursday, March 21, 2024.

ORDINANCE 2024-03

ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 220 – LAND USE – BY REMOVING SECTION 220-24.2 ENTITLED “GROUND ARRAY SOLAR ENERGY SYSTEM” FROM ARTICLE V – CONDITIONAL USES – AND INSERTING SAME INTO ARTICLE III – USE REGULATIONS – TO DESIGNATE GROUND ARRAY SOLAR ENERGY SYSTEMS AS A PERMITTED ACCESSORY USE IN THE TOWNSHIP

SUMMARY AND EXPLANATION

The LUB recently recommended that the Township Committee amend the Solar regulations to permit ground-mounted solar in the RR 5 zone in addition to the AR 7 zone, with a minimum lot size of 5 acres. This was intended to make it easier for residents in the RR 5 zone to utilize ground-mounted solar, without the need to go to the LUB for approvals.

Unfortunately, the LUB did not realize that under the Township’s current ordinances, ground-mounted solar facilities were a “conditional use,” and thus had to, nonetheless, go to the LUB. That was not intended, so the LUB has clarified that ground-mounted solar facilities should be permitted in both the AR 7 and the RR 5 zones, without the need to come before the LUB, as long as those facilities were located in the rear yard and, if within 250-feet of an adjacent home, would be screened. Accordingly, the LUB is recommending that the Township’s ordinances not treat ground-mounted solar as a “conditional use.”

Provided by John Thonet, Land Use Board