

Ord.#19-2019 An Ordinance of the Township of Mount Olive, in the County of Morris and State of New Jersey, to Amend Chapter 550 Entitled "Land Use" of the Revised General Ordinances of the Township of Mount Olive to Amend the Mount Olive Zoning Map in Order to Establish an Overlay Zone on Lot 10 in Tax Block 4100 Within the Commercial-Light Industrial (C-L1) Zone District For a Solar Photovoltaic Energy Facility in Accordance With the Combe Fill North Redevelopment Plan and to Establish Development Regulations For Same.

CLERK:

Delivered to Mayor:

Date: 10/2/2019

Time: 9:00 am

Signed: _____

Township Clerk
Michelle Masser

MAYOR:

Action by Mayor:

Approved: ✓

Date: 10/2/2019

Vetoed: _____

Date: _____

(Reasons for which Mayor has withheld approval of Ordinance, item or part Thereof.)

Signed: _____

Mayor

CLERK:

Returned:

Date: 10/3/2019

Time: 10:02 am

Not returned with in (10) days

Date: _____

Signed: _____

Township Clerk

ORD.#19-2019

**AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, IN THE
COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND
CHAPTER 550 ENTITLED "LAND USE" OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF MOUNT OLIVE TO AMEND
THE MOUNT OLIVE ZONING MAP IN ORDER TO ESTABLISH AN
OVERLAY ZONE ON LOT 10 IN TAX BLOCK 4100 WITHIN THE
COMMERCIAL-LIGHT INDUSTRIAL (C-LI) ZONE DISTRICT FOR A
SOLAR PHOTOVOLTAIC ENERGY FACILITY IN ACCORDANCE
WITH THE COMBE FILL NORTH REDEVELOPMENT PLAN AND TO
ESTABLISH DEVELOPMENT REGULATIONS FOR SAME**

WHEREAS, in order to facilitate the conversion of the former landfill known as Combe Fill North to a productive use, the Mount Olive Township Council directed the Township's Planning Board to examine the potential to deem the 102 acre parcel as "an area in need of redevelopment" to establish a Non-Condensation Redevelopment Area as memorialized in Council Resolution adopted on March 19, 2019; and

WHEREAS, the Mount Olive Planning Board did conduct such a study and issued its findings in a report entitled Preliminary Investigation To Determine An Area In Need Of Redevelopment For Combe Fill North Landfill, dated June 20, 2019, wherein it was determined that the former landfill, situate on Lot 10 in Tax Block 4100 met the statutory criteria for such a determination; and

WHEREAS, the Township Council received and accepted the Planning Board's findings and, as set forth in a second Resolution adopted on July 23, 2019, the Township Council requested the Planning Board prepare a Redevelopment Plan for the former landfill site and submit same to the governing body for consideration; and

WHEREAS, the Planning Board prepared a redevelopment plan in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7, entitled Combe Fill North Redevelopment Plan - Block 4100, Lot 10, dated September 12, 2019 and did find the Plan to be substantially consistent with the Township's master plan; and

WHEREAS, the Combe Fill North Redevelopment Plan does set forth specific development standards for the development of a photovoltaic energy facility within the Redevelopment Overlay Zone on Lot 10 in Tax Block 4100 and which shall be a subset of the Commercial-Light Industrial Zone District.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mount Olive, in the County of Morris and State of New Jersey, as follows:

SECTION 1. Chapter 550, Land Use, Article II, Definitions, § 550-5, Terms defined, of the Township Code is hereby amended and supplemented to add the following definition:

“PHOTOVOLTAIC ENERGY FACILITY

Photovoltaic panels and accessory equipment including but not limited to conduit and junction boxes designed and arranged to utilize solar power to produce electricity for public and/or private use.”

SECTION 2. Chapter 550, Land Use, Article VI, Zoning, § 550-78, Interpretation and General Provisions, Paragraph F, Zoning districts and map, of the Township Code is hereby amended and supplemented to read as follows.

“Zoning districts and map. The zoning districts and the Combe Fill Redevelopment Overlay Zone shall be as shown on the map prepared by Van Cleef Engineering, as revised and as enumerated in the Schedule of Limitations, both made part of this chapter.”

SECTION 3. Chapter 550, Land Use, Article VII, Zoning District Use and Bulk Regulations, § 550-103, Nonresidential districts, Paragraph C, C-LI: Commercial/Light Industrial District, is hereby amended and supplemented to add new subparagraph (8) to read follows:

“(8) Combe Fill North Redevelopment Overlay Zone

In accordance with the Combe Fill Redevelopment Plan an overlay zone for the development of a solar photovoltaic energy facility is hereby established. The overlay zone supplements, but does not exclude, the permitted principal, accessory and conditional uses of the C-LI zone district within the overlay zone. The following development regulations are applicable to the Combe Fill North Overlay Zone and, where a conflict exists with other applicable standards set forth in Chapter 550, those established in this Section shall apply. The development standards applicable to the overlay zone for the development of a solar photovoltaic energy facility shall be as follows:

- (a) Permitted principal use:
 - [1] Solar photovoltaic energy facility
- (b) Permitted accessory use:
 - [1] All appurtenances associated with and necessary to the operations of a solar photovoltaic energy facility
- (c) Permitted conditional use:
 - [1] None
- (d) Development regulations shall be as follows:
 - [1] Minimum lot area: none

- [2] Maximum impervious coverage: none
 - [3] Setbacks: Minimum fifty (50) foot setback on Gold Mine Road frontage and along easterly boundary of tract to adjacent lots 9.01 and 9.03. No minimum setbacks to northerly and westerly tract boundaries.
 - [4] Minimum lot width and lot depth: none
- (e) Buffers
- [1] Minimum landscaped buffer within fifty (50) foot setback along Gold Mine Road. The buffer shall provide a year-round visual screen and shall comprise a minimum double row of native evergreen trees with a minimum planting height of 6 feet. Berms and solid fencing may be included to enhance the buffer subject to site plan approval.
- (f) Off-street parking and loading: none”

SECTION 4. Chapter 550, Land Use, Attachment 4, Schedule of Limitations, Nonresidential Districts, shall be revised to incorporate the Combe Fill Redevelopment Overlay Zone.

SECTION 5. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of the Ordinance.

SECTION 6. All ordinances or parts of ordinances of the Township of Mount Olive that are inconsistent herewith are repealed to the extent of such inconsistency.


SECTION 7. This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced: 9/17/2019

Adopted: 10/1/2019


Effective Date: 10/25/2019

TOWNSHIP OF MOUNT OLIVE



Joe Nicastro, Township Council President

Attest: 10/1/2019



Michelle Masser, Township Clerk