

ORDINANCE NO.

DATE ADOPTED:

AN ORDINANCE IN AMENDMENT OF THE CODE OF THE TOWN OF EAST GREENWICH, CHAPTER 260, ZONING (as amended) TO ADD ARTICLE XX, "SOLAR ENERGY SYSTEMS AND FACILITIES" AND TO AMEND SECTION 260-62, PLAN REVIEW, SUBSECTION A TO INCLUDE AS SECTION 4: SOLAR SYSTEM INSTALLATIONS.

The Town Council of the Town of East Greenwich hereby ordains:

SECTION 1. Article XX, Sections 260-119 through 260-123, are hereby ADDED to Chapter 260 Zoning, of the Code of the Town of East Greenwich, as follows:

ARTICLE XX: Solar Energy Systems and Facilities

Section 260-119. Purpose and Intent

The purpose of the Ordinance is to establish protocols for the construction and operation of Solar Energy Systems in the Town of East Greenwich, subject to reasonable conditions that will protect the public health, safety, and welfare.

Section 260-120. Definitions:

***Solar Energy System:* All equipment, machinery and structural features designed and intended for converting solar energy (sunlight) into electricity; includes all facilities involved in the collection, storage, and distribution of solar energy.**

Building-Mounted System: a solar energy system that has its electricity-generating solar panels attached to any part or type of roof on a building or structure that has an occupancy permit on file with the Municipality and that is either the principal structure or an accessory structure on a recorded parcel This system also includes any solar-based architectural elements and Building Integrated Systems.

Building-Integrated System: A solar energy system that is constructed as an integral part of a principal or accessory building or structure and where the building integrated system features maintain a uniform profile or surface of vertical walls window openings and roofing. Such a system is used in lieu of a separate mechanical device replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls window openings and roofing. A building-integrated system may occur within vertical facades replacing view glass spandrel glass or other facade material into semitransparent skylight systems into roofing systems replacing traditional roofing materials or other building or structure envelope systems.

Covered Parking Solar Energy System: An active solar energy system that is structurally mounted to the ground yet additionally maintains the permanent function of vehicle parking underneath; may be either a Minor or Major system.

Ground-mounted System: a solar energy system that has its electricity-generating solar panels mounted on a structure, pole or series of poles constructed specifically to support the system and not attached to any other structure.

Minor Solar System Installation: a solar energy system installation designated to primarily service the property on which the solar installation is located with an output of 25kW or less.

Major Solar System Installation: a solar energy system installation is designed primarily to sell electricity to a utility supplier or a solar installation with an output exceeding 25kW. Where any installed system exceeds 5,000 square feet or 20% of the net buildable area (i.e. the total area of the applicable lot, minus setbacks, vegetated buffers, and wetlands) it shall be classified as a Major System Installation.

Section 260-121. Applicability

- A. This ordinance applies to building- and ground-mounted solar PV systems installed and constructed after the effective date of this ordinance.
- B. PV systems constructed prior to the effective date of this Ordinance are not required to meet the requirements of this Ordinance.
- C. Any upgrade modification or structural change that materially alters the size or placement of an existing PV system shall comply with the provisions of this ordinance.

Section 260-122. General Requirements

A. *Location: Ground-mounted system installations* - are prohibited in the Downtown East Greenwich Historic District Overlay Zone but may be permitted on properties located in the Tillinghast Road Historic District Overlay Zone and on properties covered by historic zoning as "Outlying Properties" (See Article XI of the Zoning Code).

Building-mounted or building-integrated systems - may be allowed at the discretion of the Historic District Commission in all Historic District Overlay Zones and with a special use permit as required depending on the class of project. Minor building-mounted or building-integrated systems shall be allowed by right in all other zones.

B. *Exemptions.* Net metering Minor Solar System installations for residential or commercial uses shall be allowed in all zoning districts as a matter of right. Nothing herein shall preclude the Town of East Greenwich from installing ground-mounted or other solar photovoltaic facilities on any town-owned or controlled property regardless of zoning district.

C. *Compliance with laws, ordinances and regulations.* The construction and operation of all solar system installations shall be consistent with all applicable local, state and federal laws, ordinances, regulations and requirements, including but not limited to, all applicable safety, construction, electrical and communications requirements. All buildings and fixtures forming part of a solar energy installation shall be constructed and maintained in accordance with the Rhode Island Building Code and Electrical Code.

D. *Building permit and building inspection.* No solar energy system installation shall be constructed, installed or modified without first obtaining a building permit and shall be subject to periodic inspections as deemed necessary by the building official.

E. *Fees and surety.* All applicable fees, including but not limited to, a building permit fee, planning and zoning board review fees, as provided for herein or in the Code of Ordinances for the Town of East Greenwich, shall be paid prior to the issuance of any building permits.

F. *Plans and surveys.* All plans related to design, construction, installation or modification of a solar energy system installation shall be prepared, signed and stamped by either a professional engineer, surveyor (for property line information), or landscape architect (for landscape information) licensed to practice in the State of Rhode Island.

Section 260-123. Development Standards

The following standards shall apply to all applications:

A. MINOR SOLAR ENERGY SYSTEM INSTALLATION

A minor system installation is permitted in all zones, provided such solar installation:

1. Shall meet all applicable zone requirements including but not limited to lighting, setbacks, signage, and height. Should such proposal require zoning relief, it shall be elevated to a Major Installation for procedural purposes; and
2. Shall require a building permit after submission and approval of layout and design. Any memorandum of lease, easement, or utility agreements must also be submitted for review, and shall be recorded in Land Evidence in the Town of East Greenwich upon approval; and
3. Shall be in compliance with RI State Building Code and the RI State Electrical Code; and
4. Where applicable, shall have gained approval by the Historic District Commission.

B. MAJOR SOLAR ENERGY SYSTEM INSTALLATION.

Major system installations shall be allowed in the F1 and F2 Zones, the CH and M/LI-O Zones and the PD and MUPD Zones subject to the below and shall not be permitted in other zones.

Where allowed, Major PV Installations require, in all zones except Farm Zones as described below, Minor Land Development approval from the Planning Board and a Special Use Permit from the Zoning Board of Review, pursuant to Rhode Island General Law 45-23-61. On Farm-Zoned property in agricultural or farming use and having total land area exceeding two acres, the Planning Board's Review is not required. Farm Zoned property not meeting these criteria shall be subject to the regular Planning Board review process.

When a Major Installation has an output of greater than 250kw or if it exceeds 40% of the net buildable area of the lot on which it is located, then such major solar installation shall require Major Land Development approval from the Planning Board and a Special Use Permit from the Zoning Board of Review in all zones, pursuant to Rhode Island General Law 45-23-61. All major system installations shall require a building permit prior to construction and adhere to the following:

1. *Design Standards*- Major system installation applications shall include the proposed site layout and any landscape changes, a diagram of electrical components, a description of the major system components to be used, an operation and maintenance plan, a decommission plan, proof of liability insurance, the contact information for the project contractors, and utility approval where applicable (following completion of the utility company's review and approval of an Impact Study). Additional documents may be required by the Planning Board or by the Zoning Board of Review. The Planning Board may waive requirements of the Land Development review process upon written request of the applicant at Pre-Application.
2. *Land Evidence*- Any memorandum of lease, easement, or utility/ distribution agreements shall be submitted with the installation application and shall be recorded in Land Evidence in the Town of East Greenwich after Planning Board and Zoning Board of Review approvals.
3. *Setbacks and Height*- Any solar installation, including covered parking solar installations, must meet all height, lot coverage, and minimum front, side, and rear yard requirements in the applicable zone, and must additionally maintain a twenty (20) foot vegetated buffer from all adjacent properties and roadways.
4. *Code Requirements* - All installations shall be in compliance with the RI State Building Code and the RI State Electrical Code, and shall be subject to periodic inspections by the East Greenwich Building Official. All relevant installation components must have an UL listing or equivalent.
5. *Electrical* - All electrical connection and distribution lines within the installation shall be underground or located entirely within a structure. Electrical equipment between the installation and the utility connection may be above-ground if required by the utility.

6. *Security*- A fence shall surround the perimeter of any ground-mounted installation unless adequate property perimeter fencing already exists to the satisfaction of the Zoning Board of Review. Said fencing shall be no less than seven (7) feet in height nor greater than 10 feet in height.
7. *Emergency Access*- Reasonable accessibility for emergency service vehicles shall be required.
8. *Signage*- No signs are allowed on the security perimeter fencing except for a sign displaying the installation name, address and emergency contact information, and trespassing/warning/ danger signs to ensure the safety of individuals who may come in contact with the installation. No sign shall exceed four (4) square feet in area.
9. *Lighting*- Lighting of solar energy facilities and appurtenant structures shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Such lighting shall be directed downward and incorporate cut-off fixtures to reduce light pollution.
10. *Abandonment or Decommissioning*- It is the responsibility of the parcel owner to remove all obsolete or unused systems within six (6) months of cessation of operations. Reusable components are to be recycled whenever feasible. Physical removal of ground mounted solar energy systems, structures and equipment shall include stabilization or revegetation of the site as necessary to minimize erosion.
11. *Operations and maintenance* – When an applicant makes submission to the Planning Board, they shall include an operations and maintenance plan for the solar energy system. It shall include provisions for emergency shutdown and shall provide for maintaining contact information for a responsible party for the public and agents of the Town to contact with inquiries or concerns throughout the useful life of the system. Such plan shall also provide detailed information regarding any chemicals, solvents or other compounds used to clean or otherwise maintain the solar panels and provide information on their storage, disposal and handling.
12. *Financial Security* – The Planning Board may require a financial security instrument covering the entire solar energy system from commencement of operations through decommissioning. Such instrument may be cash held in escrow or a surety bond or other form acceptable to the Town. The security must be sufficient to cover the complete cost of removal and disposal of the system. Applicant shall submit a fully inclusive estimate of the costs associated with removal – at the end of the useful life of the facility - prepared by a qualified engineer licensed in the State of RI.

SECTION 2. Section 260-62, Plan Review, Subsection A of Chapter 260, Zoning, of the Code of the Town of East Greenwich, is hereby amended to include the following as section (4):

Solar system installations. In addition to those standards provided in Section 260-123, in reviewing an application for the installation of a solar energy system (i.e. solar panels), the HDC will consider building-mounted or building-integrated systems; ground-mounted systems are prohibited in the downtown historic district. Solar panels should be placed in areas that are least viewable to the public. Installations that would alter the characteristic features of a historic structure should be avoided. Panels should not be visible above the roofline and panels installed on flat-roof buildings should be set back from the edge. Where solar panels and other appurtenances will not be visible from any public way, they shall be eligible for Administrative staff review and approval (consistent with Section 260-62 (c) of the Zoning Code) rather than a review by the full Historic District Commission.

SECTION 3. This ordinance shall be effective upon adoption.