

AMENDMENTS TO THE ZONING ORDINANCE
Adopted October 15, 2019
ARTICLE 3. USE REGULATIONS

Sec. 301. Schedule of Use Regulations Table.

Add/revise the use regulations as follows:

[illegible]

Use Code	Use	IND-1	IND-2	IND-3	GI	OS	HFD Overlay	Notes
66	Power Plant, solar, wind, gas, low sulfur, oil, other	N	S	S	N	N	N	
66.4	Large-Scale Major Solar Energy System <u>Land Development Project</u>	S	S	S	Y	N	N	See Section 510
66.5	Medium-Scale Minor Solar Energy System	S	S	S	Y	N	N	See Section 510
66.6	Small-Scale Solar Energy System	S	S	S	Y	N	N	See Section 510
66.7	Accessory Solar <u>Energy System</u> Array	Y	Y	Y	Y	Y	Y	See Section 503.9
66.8	<u>Contaminated Site</u> Solar <u>Energy System</u>	S	S	S	Y	N	N	See Section 510

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ARTICLE 5. SUPPLEMENTARY REGULATIONS

Sec. 503. Supplementary accessory use requirements.

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Sec. 503.9. *Accessory solar energy systems arrays.*

- A. Accessory solar arrays energy systems, defined as any solar energy system that is incidental and subordinate to the principal use(s) of the parcel or development and is either 1) entirely roof-mounted or 2) generates no more energy than one-hundred and twenty-five percent (125%) of the energy that is necessary to support the principal use(s) of the parcel, shall be permitted in the zones indicated in Sec. 301.

- B. Accessory solar areas energy systems in the OS and HFD Special Flood Hazard Area Overlay zones shall be roof-mounted only.
- C. New, or expanded accessory ground-mounted solar arrays energy systems greater than 1,750 square feet in size, inclusive of inter-row and panel/collector spacing, shall be subject to Development Plan Review. The Development Plan Review of new, or expanded ground-mounted accessory solar arrays energy systems of 40,000 square feet or more in size, inclusive of inter-row and panel/collector spacing, shall include a public hearing, advertised and noticed pursuant to the requirements for public notice contained within the Town of South Kingstown Subdivision and Land Development Regulations. Roof-mounted solar energy systems proposed on new structures or on additions to existing structures shall be reviewed according to the review procedure established by this Ordinance for the structure or addition. Development Plan Review shall be conducted pursuant to ~~and~~ shall meet the standards set forth by the provisions of Sec. 505.1, Sec. 510 and the Town of South Kingstown Subdivision and Land Development Regulations. The review procedure for accessory solar energy systems is summarized in the following table:

ACCESSORY SOLAR ENERGY SYSTEMS

<u>SIZE/TYPE</u>	<u>REVIEW PROCEDURE</u>
<u>Roof-mounted on an existing structure, all sizes</u>	<u>Building Permit only</u>
<u>Roof-mounted on a proposed structure, all sizes</u>	<u>The review procedure required for the new structure (building permit, DPR, LDP, as applicable)</u>
<u>Ground-mounted, 1 – 1,750 sq ft</u>	<u>Building Permit only</u>
<u>Ground-mounted, 1,751 – 39,999 sq ft</u>	<u>Development Plan Review</u>
<u>Ground-mounted, = or > 40,000 sq ft</u>	<u>Development Plan Review with Public Hearing by the Planning Board</u>

- D. Ground-mounted accessory ~~Accessory~~ solar arrays energy systems shall be sized to generate no more energy than one-hundred and twenty-five percent (~~120~~125%) of the energy that is necessary to support the principal use(s) of the parcel. Ground-mounted solar ~~Solar~~ energy systems that generate more energy than stated above shall be classified as ~~small-, medium-, or large-scale~~ major or minor principal solar energy systems, based on the size of the system, and shall be governed by the requirements of ~~Sec. 511~~Sec. 510.
- E. At the time of application for a building permit, or ~~or~~ Development Plan Review, ~~or review as a Major Land Development Project,~~ as is applicable pursuant to this Section, the applicant must demonstrate that the ground-mounted accessory solar energy system has been designed to produce no more than one-hundred and twenty-five percent (~~120~~125%) of the energy that is necessary to support the other uses occupying the parcel. On parcels with existing principal use(s), the applicant shall provide the energy consumption documentation for the use(s) for the previous three (3) year period. For new single-family and duplex residential dwellings

proposing accessory solar arrays, the applicant shall provide an estimate of electrical usage based on data received from the utility company. For all other new principal use(s), the applicant shall provide an estimate of electrical usage for the use(s), prepared and certified by an electrical engineer.

- F. Accessory solar arrays energy systems shall not be constructed, installed, or modified as provided in this section before a building permit is obtained.
- G. Ground-mounted accessory ~~Accessory solar arrays~~ energy systems shall meet the applicable dimensional and site design requirements of Sec. 401 and Sec. 510.3 510.5, unless an alternative requirement is contained within this section.
- H. ~~Accessory roof-mounted solar arrays shall not increase the footprint of the structure.~~
- I. Accessory ground-mounted solar arrays energy systems in residential zones shall require twice the accessory structure setbacks required by Sec. 401 for the zoning district in which they are located. Required setbacks shall be measured from the edge of the panel or associated equipment, not including any perimeter fencing.
- I. ~~J.~~ In residential zones, electrical lines and connections from the principal dwelling to the accessory ground-mounted solar arrays energy system shall be installed underground.
- J. Roof-mounted solar energy systems shall not exceed the height requirements prescribed by the zoning district in which they are located.
- K. On flat roofs, accessory solar energy systems shall be set back from the edge and/or behind architectural features to be minimally visible. Panels and devices may be set at a pitch and elevated, if not visible from public streets. On pitched roofs, the edge of the solar energy system shall be parallel to the roofline.

Sec. 504. Special use permits.

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504.17. Major, Minor and Contaminated Site Solar Energy Systems. Major, minor and contaminated site solar energy systems may be allowed by special use permit in those zones specified in Section 301, subject to the Zoning Board of Review finding that the procedures and performance standards outlined in Section 510 have been met.

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Sec. 510. Solar energy systems.

510.1. Purpose and applicability.

- A. The purpose of this section is to regulate the installation of solar energy systems by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such systems. These standards are intended to ensure that solar energy systems are compatible with the surrounding area, provide for public safety, and minimize impacts on scenic, natural, and historic resources. The

provisions of this section shall apply, as specified herein, to construction, operation, and/or repair of solar energy system installation in Town.

- B. Accessory solar energy ~~arrays~~ systems for which a building permit application has been submitted prior to the enactment of this Section shall not be subject to the requirements found herein.
- C. The three (3) solar energy systems that are located on or in direct proximity to the Rose Hill Landfill, the West Kingston Town Dump, and the URI Disposal Area, respectively, shall not be subject to the requirements of this Section, but shall have advisory review conducted by the South Kingstown Technical Review Committee prior to issuance of a state or local building permit.

510.2 *Permitted uses and review process.*

- A. Accessory solar energy ~~arrays~~ systems shall be permitted and reviewed pursuant to the requirements of Sec. 503.9. Principal major and minor solar energy systems shall be permitted as set forth in Section 300 and this Section.
- B. The review of major and minor solar energy systems shall be conducted according to the following procedures, which are summarized in the table, below:

1. Minor systems.

- i. All new ~~principal~~ minor solar energy systems, and ~~minor~~ systems that are proposed for major changes or upgrades, shall be subject to Development Plan Review pursuant to Sec.505.1. Development Plan Review of minor solar energy systems shall be conducted by the Planning Board. Minor solar energy systems shall not be considered land development projects when developed on a parcel with another principal use, unless such use is required in and of itself to undergo review as a land development project and the minor solar energy system is submitted concurrently for review.
- ii. The Development Plan Review of new minor solar energy systems proposed within residential zoning districts or on parcels directly abutting residential zoning districts shall include a public hearing, advertised and noticed pursuant to the requirements for public notice contained within the Town of South Kingstown Subdivision and Land Development Regulations.

2. Major systems. All new major solar energy systems shall be considered and reviewed as major land development projects pursuant to the Subdivision and Land Development Regulations of the Town of South Kingstown, as amended. Expansion of the surface area of such a major solar energy system, as well as any change or upgrade of the electrical infrastructure, shall be subject to Development Plan Review pursuant to Sec. 505.1 and the requirements of this Section.

3. Changes to approved systems. All proposed changes and upgrades to major and minor solar energy systems shall be submitted to the

Administrative Officer of the Planning Board for determination as to whether such constitutes a major change or upgrade. Major changes shall include, but not be limited to, increases to the surface area or ground coverage of the system, and changes to the system's infrastructure that result in additional disturbance of land. Major changes shall be reviewed using the same process by which the solar energy system was originally reviewed. Minor changes shall not require Development Plan Review be reviewed and approved by the Administrative Officer, or referred to the Planning Board as a major change.

PRINCIPAL SOLAR ENERGY SYSTEMS

<u>SIZE/ZONING DISTRICT</u>	<u>REVIEW PROCEDURE</u>
<u>Minor systems (1 – 39,999 sq ft) in non-residential zones and not directly abutting residential zones</u>	<u>Development Plan Review conducted by the Planning Board</u>
<u>Minor systems (1 – 39,999 sq ft) in residential zones or directly abutting residential zones</u>	<u>Development Plan Review conducted by the Planning Board with a Public Hearing</u>
<u>Major systems (= or > 40,000 sq ft)</u>	<u>Review as a Major Land Development Project, conducted by the Planning Board</u>
<u>Minor changes to previously approved systems</u>	<u>Review by the Administrative Officer</u>
<u>Major changes to previously approved systems</u>	<u>The same review process by which the solar energy system was originally reviewed</u>

G. An applicant for a Special Use Permit to construct a principal solar energy system may apply for and be issued, in conjunction with the special use permit, dimensional variance(s) from any of the dimensional requirements of this Section. Where a solar energy system would not be allowed without the dimensional variance sought, the Zoning Board shall consider the special use permit and dimensional variance together to determine if granting the special use is appropriate based on both the special use criteria and the dimensional variance evidentiary standards.

D. New principal solar energy systems that are developed on a single parcel with any other use, building, or structure shall be considered and reviewed as major land development projects pursuant to the Subdivision and Land Development Regulations of the Town of South Kingstown, as amended. Expansion of the surface area of such a principal solar energy system, as well as any change or upgrade of the electrical infrastructure, shall be subject to Development Plan Review pursuant to Sec. 505.1.

C. E. Solar energy systems and any associated equipment shall not be allowed on land held under conservation easement or land for which the development rights have been sold, transferred, or otherwise removed from the parcel, unless the conditions of the easement, deed, or other applicable legal document specifically

allows the installation of a solar energy system, or shall receive approval for the disturbance or use of such lands by the holder(s) of the easement or restriction.

Revise and renumber Sections 510.2 F as follows:

Section 510.3. Application requirements for review of solar energy systems by the planning board.

A. When review by the planning board of an accessory, minor, or major solar energy system is required, all applications ~~Applications for Development Plan Review and/or Major Land Development Project review~~ shall include, in addition to the requirements set forth in the Town's Subdivision and Land Development Regulations, the following:

1. A project narrative, which shall contain a summary of the proposed facility, a description of the facility's context in relation to neighboring land uses and environmental features, and detail regarding the proposed operational characteristics of the solar energy system, including key features concerning the means and methods planned to minimize or avoid off-premises impacts to adjoining land uses; and
2. A statement regarding the existing or proposed energy usage of the property, if any, and a comparison of such usage to the proposed energy production of the system; ;

B. Applications for review of ground-mounted solar energy systems of all classifications shall also include:

1. ~~3.~~ A landscape plan, which meets the requirements of the Town's Subdivision and Land Development Regulations and this Section, and depicts the locations and types of both existing and proposed vegetation;
2. ~~4.~~ Identification as to whether any prime farmland or farmland of statewide importance exist on-site, as determined by the United States Department of Agriculture Natural Resources Conservation Service within the most recent Rhode Island Soil Survey;
3. ~~5.~~ Identification of any RI Department of Environmental Management Natural Heritage Areas that may exist on site;
4. ~~6.~~ A soil erosion, runoff and sediment control plan that meets the requirements of the Town's Soil Erosion, Runoff and Sediment Control ordinance, and identifies ~~of~~ the extent of proposed limits of clearing and/or disturbance, including the areas cleared and/or disturbed during construction;
5. ~~7.~~ A lighting plan for the premises;
6. ~~8.~~ Identification of access entry drives and any interior driveways and rights-of-ways, along with their material for construction, right-of-way width, and paved width; and

7. 9. A grading and drainage plan, indicating any necessary regrading of the site and the provisions for accommodating run-off from the solar energy system, prepared by a certified Professional Engineer, registered to practice in Rhode Island;

C. Applications for review of major solar energy systems shall also contain:

1. 10. A decommissioning/restoration plan which shall include a description of all activities necessary to remove all system components from the site, including any revegetation or regrading, and an itemized estimate of the cost of decommissioning and removal of the solar energy system;
2. 11. Documentation that an operations and maintenance plan, detailing the provisions for maintaining the facility in good condition, and the security provisions that will be implemented to prevent unauthorized access, has been approved by the Director of Public Services; and
3. 12. Documentation that a public safety preparedness and response plan, detailing the standards, procedures, and communication protocol to be utilized at the facility and in the event of an emergency, and documentation indicating that the plan has been approved by the Police Chief, the Fire Chief of the applicable fire district, and the Director of Emergency Medical Services.
4. Proof of liability insurance in an amount approved by the town; (required at Final Stage)
5. A copy of the Preliminary Interconnection Feasibility Study from National Grid or the applicable utility company;
6. A thorough explanation of any transmission lines access or upgrade required as a result of the project, including but not limited to the route starting and end points, potential impacts to street trees, and right-of-way width.
7. A thorough explanation of any new or proposed upgrades to electrical substations that are related to the proposed project. Information necessary is including but not limited to location, screening, setbacks and noise impacts.

Revise and renumber Sections 510.2 G through J as follows:

Sec 510.4 Waivers and conditions.

- A. G. Any Development Plan or Major Land Development Project approval of a major solar energy system shall be conditioned on, at a minimum;
1. The establishment and posting of a financial guarantee cash surety, in an amount determined by the Planning Board deemed sufficient to cover the cost of decommissioning and removal of the solar energy system at the end of its useful

life or when abandonment occurs plus inflation, as defined in Sec. 510.8, which shall be held in a restricted account until decommissioning has occurred; and

2. The placement of a lien against the real property on which the solar energy system is located to cover all costs associated with decommissioning of the system that exceed the value of the cash surety described in Sec. 510.4A. Said lien shall be recorded in the South Kingstown Land Evidence Records prior to issuance of any required Building or Electrical permits required for construction of the system and shall not be removed until decommissioning has occurred.
3. Provision of an on-site public safety response training with the Police Chief, and/or their designee(s), the Fire Chief of the applicable fire district, and/or their designee(s), and the Emergency Medical Services Director, and/or their designee(s), within one (1) month of completion of installation of the system;

H Prior to approval of the Development Plan and/or Major Land Development Project, the facility operations and maintenance plan shall be approved by the Director of the Department of Public Services.

I. Prior to approval of the Development Plan and/or Major Land Development Project, the public safety preparedness and response plan shall be approved by the Police Chief, the Fire Chief of the applicable fire district, and the Director of Emergency Medical Services.

B. J To ensure the fulfillment of the requirements of this Section, the Planning Board or the Zoning Board of Review shall have the authority to require the following:

1. Adjustments to the proposed location of the solar energy system determined necessary to mitigate negative impacts to adjacent properties, or to reduce the amount of clearing necessary for installation; and
2. The provision of additional landscaping beyond the minimum requirements of this Section and the Town's Subdivision and Land Development Regulations, where such is necessary to mitigate negative impacts to adjacent properties or prominent community viewsheds, or due to the unique characteristics of the subject property.

C. The Zoning Board of Review, as part of the review and approval of the Special Use Permit, or the Planning Board, when the use is permitted by right, may allow waivers from or modification to the requirements of subsection 510.5, when such are deemed necessary due to the unique site characteristics or when such would be in the interest of good planning practice. Applicants for Special Use Permits requesting waivers or modifications to the requirements of subsection 510.5 shall discuss their request with the Planning Board, who shall provide an advisory opinion to the Zoning Board of Review.

~~510.3~~ 510.5 *General requirements for accessory and principal solar energy systems.*

A. Requirements for all solar energy systems (accessory, minor, and major).

1. The construction and operation of solar energy systems shall comply with all applicable federal, state, and local requirements, including, but not limited to, all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of, or associated with, a solar energy system shall be constructed in accordance with the Rhode Island State Building Code.
- ~~B.~~ Roof-mounted solar energy systems shall not exceed the height requirements prescribed by the zoning district in which they are located.
- ~~C.~~ On flat roofs, accessory solar arrays shall be set back from the edge and/or behind architectural features to be minimally visible. Panels and devices may be set at a pitch and elevated, if not visible from public streets. On pitched roofs, the edge of the solar array shall be parallel to the roofline.
2. ~~D.~~ The maximum height of ground-mounted solar energy systems shall be no more than twelve (12) feet above finished grade, except for solar canopy systems, which shall be allowed the maximum accessory building height for the district in which the canopy is located.
3. ~~E.~~ Solar energy systems shall be sited and designed to minimize any negative aesthetic impacts on neighboring properties, or on prominent viewsheds.
4. ~~F.~~ Applicants ~~proposing ground-mounted solar energy systems~~ shall propose an appropriate buffer that adequately mitigates visual impacts on surrounding properties and the neighborhood in general. Selection of the proposed buffer should be based on the context and characteristics of the specific site, and shall be done in consultation with a landscape designer RI licensed landscape architect. The buffer must be adequate to thoroughly screen the solar energy system year round. In addition, the required vegetated buffer shall be maintained for the life of the solar energy system. Additional landscaping and buffer widths may be required by the Planning Board where deemed necessary to mitigate negative impacts as described in Sec. 510.4.B.2. Choices include, but are not limited to:

 - i. ~~4.~~ 50-foot wooded buffer; or,
 - ii. ~~2.~~ 20-foot partial landscape screen; or
 - iii. ~~3.~~ 10-foot full landscape screen; or
 - ~~4.~~ Stockade fencing.
5. ~~G.~~ All solar energy systems shall be designed and located to prevent reflective glare toward any inhabited buildings on adjacent properties. Glare generated from solar panels shall not interfere with traffic or create a safety hazard.
6. ~~H.~~ On-site drainage management and erosion and sedimentation control shall conform to the latest Rhode Island Stormwater Design and Installation Standards Manual, and the RI Soil Erosion and Sediment Control Handbook, as well as all applicable Town regulations.

7. ~~I.~~ All utility connections from the solar energy system shall be placed underground. If utility connections are approved to be above-ground via a request for a waiver, the Zoning Board of Review, for systems requiring a Special Use Permit, or the Planning Board, for systems allowed by right, shall make findings of fact relative to the necessity for above-ground connections, which shall be incorporated in to the written Special Use Permit, Development Plan and/or Major Land Development Project approval.
8. Clearing of natural vegetation shall be strictly limited to what is necessary for the construction, operation, and maintenance of the solar energy system or as otherwise prescribed by applicable laws and regulations. Removal of trees within a Town right-of-way shall be subject to receipt of a Tree Permit, which shall be approved at the discretion of the Town Tree Warden. Excavation and filling of project sites shall be limited to what is necessary to stabilize the installation area.
9. Lighting of the solar energy system shall comply with Sec. 704, and shall be limited to that required for safety and operational purposes. All site lighting shall be directed downward and incorporate full cut-off fixtures to reduce light pollution and confine the light footprint to the facility site.

B. Requirements for major and minor systems.

1. ~~J.~~ All mechanical equipment associated with utility scale major and minor solar energy systems, including but not limited to controls, energy storage devices, batteries, heat pumps, exchangers, or other materials, hardware, or equipment necessary to the process by which solar radiation is converted into another form of energy shall be designed to prevent unauthorized access.

~~K.~~ Clearing of natural vegetation shall be strictly limited to what is necessary for the construction, operation, and maintenance of the solar energy system or as otherwise prescribed by applicable laws and regulations. Removal of trees within a Town right-of-way shall be subject to receipt of a Tree Permit, which shall be approved at the discretion of the Town Tree Warden. Excavation and filling of project sites shall be limited to what is necessary to stabilize the installation area.

2. ~~L.~~ Ground-mounted Major and minor solar energy systems located on prime farmland or farmland of statewide importance, as determined by the United States Department of Agriculture Natural Resources Conservation Service within the most recent Rhode Island Soil Survey, shall be designed and installed to ensure that:

- i. 4. The land beneath the solar energy system is reseeded after installation with grass or low growth vegetation that is listed in the University of Rhode Island's native plant database and ~~/or,~~ if such soils need to be removed from beneath the system for installation purposes, it has to be stored on site for future reclamation and are replanted with grass or low growth vegetation as described above after decommissioning and removal the soils are relocated to and spread over an undisturbed area of the site to allow the soils to be placed into productive use;

- ii. ~~2.~~ Any invasive species found to grow upon the land underneath the system are controlled or eliminated without the use of herbicides so that the soil remains usable for future agricultural purposes;
- iii. ~~3.~~ Siting of the systems shall keep with the existing contours of the land, and only pile driven or ballast block footings are to be used, so to minimize disturbance of soils during installation; and
- iv. ~~4.~~ Required vegetative buffers are composed of plant materials listed in the University of Rhode Island's native plant database, with a preference for pollinator-friendly materials.

~~M. Lighting of the solar energy system shall comply with Sec. 704, and shall be limited to that required for safety and operational purposes. All site lighting shall be directed downward and incorporate full cut-off fixtures to reduce light pollution and confine the light footprint to the facility site.~~

~~510.4 Additional requirements for principal solar energy systems:~~

- ~~3. A.~~ All panels, equipment, and structures associated with a principal major or minor solar energy system shall meet the principal setback requirements prescribed by the zoning district in which they are located, except that major ground-mounted solar energy systems shall be set back from property lines abutting residentially zoned parcels, or parcels containing residential uses, a minimum of fifty feet (50'), and from property lines abutting public and private roads a minimum of one-hundred feet (100'). Additional setback distances may be required where necessary to mitigate negative impacts as described in Sec. 510.4.B.1. Required setbacks shall be measured from the edge of the panel or associated equipment, not including any perimeter fencing.
- ~~4. B.~~ Principal ground-mounted Major and minor solar energy systems, including all associated equipment, shall be enclosed by a perimeter fence, which shall be not less than six (6) feet in height and, as feasible, shall incorporate wildlife passage features for small mammals and birds in its design and installation. The perimeter fence shall be secured from unauthorized entry. Solar canopies are exempt from this requirement.
- ~~5. C.~~ The site design for major and minor solar energy systems shall include adequate access and parking, and driveway and access aisle widths shall allow accessibility to the solar energy system premises by the property owner and emergency response personnel and equipment.
- ~~6. D.~~ A means of shutting down the solar energy system connection to National Grid the electric utility's interconnection shall be clearly and sufficiently marked.
- ~~7. E.~~ For ground-mounted solar energy systems, ~~the~~The ground cover and subgrade beneath the solar panels and associated equipment shall be designed to provide a stable, structural surface capable of properly supporting the components of the solar energy system. Grass is the preferred treatment versus gravel, crushed stone or the like, however each application shall be assessed

during the development review and/or major land development project process to determine the most appropriate ground cover.

- ~~8. F.~~ Any new proposed access entry drives ~~for the facility~~ from public rights-of-way shall require the issuance of Physical Alteration Permits (PAP) from the Town of South Kingstown or RIDOT depending on whether Town or State roadways are being utilized for access purposes.
- ~~9. G.~~ The solar energy system shall be maintained by the solar energy system owner and/or operator and shall be cleared of debris, weeds, trash, etc. Maintenance shall include, but not be limited to, painting, structural repairs, buffers, vegetation management, and integrity of security measures. The equipment shall remain in good repair and working order. Malfunctioning or inoperable equipment shall be removed from the property and disposed of in accordance with all applicable federal, state, and local regulations.
- ~~10. H.~~ A sign shall be posted at the solar energy system facility, displaying the name of the owner and operator of the facility and providing a twenty-four (24) hour emergency contact number. Said sign shall be no greater than six (6) square feet in surface area. The solar energy system shall not be used for displaying any advertising except for reasonable identification of the operator of the facility. Any such signage shall comply with Article 8, Signs.

C. Requirements for solar canopies.

1. Solar canopies shall be located over parking lots, driveways or walkways.
2. Solar canopies shall be designed with features to ensure that snow and ice cannot slide off onto persons/objects below.

D. Requirements for solar energy facilities along scenic roadways or nationally designated Wild and Scenic Rivers.

1. Ground mounted solar energy facilities, including solar panels and any appurtenant structures, on parcels located adjacent to a designated (local or state) scenic highway or nationally designated Wild and Scenic River (including but not limited to the Chipuxet River from Rt. 138 south, the Pawcatuck River, and the Queen-Usquepaugh River) shall be located out of the viewshed of the scenic roadway or Wild and Scenic River.

~~510.5.~~ 510.6 *Solar energy systems in the GI Zone.*

- A. This section is intended to promote the development of solar energy systems on properties in the GI (Government and Institutional) zoning district, subject to the requirements of development plan review and/or major land development plan review as outlined in this section.
- B. Use of GI parcels for solar energy systems is intended to promote the adaptive reuse of brownfield sites, and the use of institutional lands to promote sustainable and renewable energy options. Such use is intended to demonstrate the ability of solar energy systems to offset utility costs, and to provide educational opportunities

regarding the use of green technology and renewable energy generation technologies. Such parcels include, but are not limited to those comprising or in direct proximity to former remediated landfills at Rose Hill and in Kingston, Town and State owned and managed parcels, and parcels containing institutional uses.

510.6 Additional requirements for principal solar energy systems in R40, R80 and R200 zoning districts- 510.7 Maximum lot coverage.

A. Small-scale solar energy systems that meet the requirements of this Section shall be allowed on parcels of five (5) acres or more by Special Use Permit in the R40, R80 and R200 zoning districts. Medium-scale solar energy systems that meet the requirements of this Section shall be allowed on parcels of ten (10) acres or more. Such solar energy systems shall also meet the requirements of Sec. 511.4510.3 and 510.4.

B. Ground-mounted solar energy systems allowed pursuant to this Section in residential zoning districts shall occupy no more than ten percent (10%) of the parcel on which they are located, which is to include inter-row and panel/collector spacing.

C. Any subsequent subdivision of a parcel in an R40, R80 or R200 zone that contains a solar energy system shall be required to maintain the minimum parcel size on which the solar energy system exists, as well as the maximum ten percent (10%) coverage requirement established in Sections A. and B., above.

510.7 Additional requirements for principal solar energy systems in non-residential zoning districts.

B. A. Ground-mounted solar energy systems in the IND-1, IND-2, and IND-3 zones shall occupy no more than fifty percent (50%) of a lot, which is to include inter-row and panel/collector spacing. Ground-mounted solar energy systems in all other non-residential zones shall occupy no more than thirty percent (30%) of a lot, which is to include inter-row and panel/collector spacing.

C. B. Principal solar energy systems in the GN, CD, CH, and CW zoning districts shall be roof-mounted. Any subsequent subdivision of a parcel that contains a ground-mounted solar energy system shall be required to maintain the maximum coverage requirements established in Sections A. and B., above.

510.8 Abandonment and decommissioning.

A. Any solar energy system that has reached the end of its useful life or has been abandoned shall be removed no more than one hundred eighty (180) days after the date of discontinued operations. The property owner or operator shall notify the Zoning Enforcement Officer and the Administrative Officer of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of the following: (1) removal of all solar energy system-related structures, foundations, equipment, security barriers, and transmission lines from the site; (2) disposal of all solid and hazardous waste in accordance with applicable disposal regulations; (3) stabilization and re-vegetation of the site as necessary to prevent erosion. At the time of decommissioning, the applicant shall employ a landscape

designer RI landscaped architect to assess whether any re-vegetation of the site is necessary.

- B. Development Plan and/or Major Land Development Project approval of a principal solar energy system shall contain a condition of approval establishing a financial guarantee cash surety for the decommissioning and removal of the system. The Planning Board shall require that the financial guarantee be paid ~~a minimum of two years before the anticipated end of life of the system, as projected within the application documents.~~ prior to issuance of any required Building or Electrical Permits necessary for construction. , The amount of the cash surety financial guarantee shall be established at the time of approval, and shall take into account anticipated inflation. The terms of payment and process for release shall be established by the Town's Subdivision and Land Development Regulations. Release shall not occur until the system is fully removed from the site.
- C. Development Plan and/or Major Land Development Project approval of a principal solar energy system shall contain a condition of approval requiring a lien to be placed upon the real property on which the solar energy system is located. The Planning Board shall require that the lien be placed prior to issuance of any required Building or Electrical Permits necessary for construction. Release of the lien shall not occur until the system is fully removed from the site.

~~G.~~ D. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar energy system shall be considered abandoned when it fails to operate, or is not connected to an energy grid or end-user for a one (1) year period after initial operations commence. If the solar energy system owner or solar energy system operator fails to remove the facility in accordance with the requirements of this section, ~~the property owner or the Town of South Kingstown may remove the facility and seek damages for expenses incurred for such removal~~ institute action necessary to enforce the lien described in Sec. 510.8.C. for expenses incurred in excess of the cash surety described in Sec.510.8.B.

510.9 Contaminated site solar energy systems.

- A. This section is intended to promote the development of solar energy systems on properties that have been identified and confirmed by the Rhode Island Department of Environmental Management (RIDEM) as hazardous waste contamination sites, in order to catalyze property remediation, to provide an economic use for an otherwise developmentally-challenged property, and to direct solar energy systems away from forested areas, prime agricultural lands, and properties with high intrinsic value under another use scenario.
- B. Contaminated site solar energy systems shall be allowed on two types of contaminated property, as described below:
1. Contaminated Site Pending Remediation: A contaminated site pending remediation is a property that has been identified and confirmed by RIDEM as

containing a hazardous material contamination through issuance of a “Letter of Responsibility”, but which has not yet been remediated to the satisfaction of RIDEM. The intended outcome of permitting a solar energy system on a site pending remediation is to offset the cost of remediation by allowing a beneficial use of the property to occur.

2. Remediated and Restricted Contamination Site: A remediated and restricted contamination site is a property (1) that has been identified and confirmed by RIDEM as having contained a hazardous material contamination; (2) on which remediation activities were conducted to the satisfaction of RIDEM as documented within a “Letter of Compliance” or an “Interim Letter of Compliance”, and (3) for which RIDEM has required the use of the property to be restricted through an Environmental Land Use Restriction. The intended outcome of permitting a solar energy system on a remediated and restricted contamination site is to allow an already disturbed property to be used for renewable energy generation, directing solar energy systems away from less desirable areas, such as forested areas and prime agricultural lands.

- C. Contaminated site solar energy systems shall be considered principal solar energy systems, classified as major or minor, as defined in Article 12, and shall be reviewed according to the procedures established by this Section and by Sec. 510.2, except that a public hearing before the Planning Board, advertised and noticed pursuant to the requirements for public notice contained within the Town of South Kingstown Subdivision and Land Development Regulations, shall be required for all applications. The required review process is summarized, below:

CONTAMINATED SITE SOLAR ENERGY SYSTEMS

<u>SIZE/ZONING DISTRICT</u>	<u>REVIEW PROCEDURE</u>
<u>Minor systems (1 – 39,999 sq ft)</u>	<u>Development Plan Review conducted by the Planning Board with a Public Hearing</u>
<u>Major systems (= or > 40,000 sq ft)</u>	<u>Review as a Major Land Development Project</u>
<u>Minor changes to previously approved systems</u>	<u>Building Permit only</u>
<u>Major changes to previously approved systems</u>	<u>The same review process by which the solar energy system was originally reviewed</u>

- D. Applications for Development Plan Review and/or Major Land Development Project review of contaminated site solar energy systems shall include, in addition to the requirements set forth in the Town’s Subdivision and Land Development Regulations and the requirements of Sec. 510.3, the following, based on the type of contaminated site on which the system is proposed:

1. Systems proposed on a contaminated site pending remediation shall submit:
 - a. The associated “Letter of Responsibility” and “Remedial Approval Letter” from RIDEM, and all applicable attachments or appendices;

- b. A copy of any Environmental Land Use Restriction (ELUR) required by RIDEM to be imposed on the contaminated site(s) along with a narrative explaining the content of such restriction;
 - c. Confirmation from RIDEM that a solar energy system is an acceptable use for the contaminated site(s); and
 - d. A site plan and associated materials delineating the extent of the contamination previously or currently existing on the site(s) and the extent of disturbance that will be required to perform the approved remediation activities, including square footage calculations of said areas compared to the total area of the subject site(s).
 - 2. Systems proposed on a remediated and restricted contamination site(s) shall submit:
 - a. The associated "Letter of Compliance" or "Interim Letter of Compliance" from RIDEM;
 - b. Written confirmation from RIDEM that the proposed contaminated site solar energy system is consistent with the requirements for maintaining compliance; and
 - c. A site plan and associated materials delineating the extent of the remediation activities and any clearing that was necessary due to remediation activities, including square footage calculations of contaminated areas compared to the total area of the subject site(s).
- E. Any approval issued for a system proposed on a contaminated site pending remediation shall be conditioned on receipt of a "Letter of Compliance" or an "Interim Letter of Compliance" from RIDEM prior to issuance of a permit for installation of the solar energy system, in addition to the conditions required by Sec. 510.4.
- F. Contaminated site solar energy systems shall meet the applicable dimensional and site design requirements of Sec. 401 and Sec. 510.5, except where an alternative standard is proposed by this Section.
- G. In granting the Special Use Permit, the Zoning Board of Review, based on a recommendation from the Planning Board during Development Plan Review or Conceptual Master Plan review, shall establish the amount of the parcel that may be covered by the contaminated site solar energy system, based on an assessment of the following:
 - 1. The extent of contamination on the site for which the system is proposed;
 - 2. The area of the parcel identified within the application materials as requiring disturbance or having been disturbed in the performance of remediation activities;
 - 3. The area of the parcel on which an Environmental Land Use Restriction (ELUR) has been or will be placed;

4. For sites pending remediation, the cost of the proposed remediation actions, as identified in the "Remedial Approval Letter," relative to the expected income to be generated by the energy system; and
 5. The site topography, existing vegetative buffer(s), and the severity of any potential negative visual impacts to the neighborhood.
- H. In granting the Special Use Permit for a contaminated site solar energy system, the Zoning Board of Review must make the following findings of fact:
1. Permitting use of the parcel for a contaminated site solar energy system will:
 - a. Allow remediation of a contaminated site by offsetting the cost of such remediation and allowing a beneficial use of the property to occur; or
 - b. Allow an already disturbed property to be used for renewable energy generation, directing solar energy systems away from less desirable areas, such as forested areas and prime agricultural lands.
 2. The size of the contaminated site solar energy system considers and is reflective of the size of the contaminated area, any land use restrictions placed on the site, the amount of disturbance necessary to remediate the contaminated area, the cost of remediation activities, and any potential negative visual impacts to the surrounding neighborhood.

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ARTICLE 12. DEFINITIONS

Accessory solar array energy system. A solar energy system that is incidental and subordinate to the principal use(s) of the parcel or development, and is either 1) entirely roof-mounted or 2) generates no more energy than one-hundred and twenty-five percent (120125%) of the energy that is necessary to support the principal use(s) of the parcel. Solar energy systems serving multiple parcels within a subdivision or land development project shall be considered accessory if they produce no more than 125% of the energy necessary to support the development as a whole.

Contaminated site solar energy system. A principal solar energy system located on a contaminated site pending remediation or a remediated and restricted contamination site.

Contaminated site pending remediation. A property that has been identified and confirmed by RIDEM as being contaminated through issuance of a "Letter of Responsibility", but which has not yet been remediated to the satisfaction of RIDEM.

Ground-mounted solar energy system. A solar energy system that is structurally appended to the ground and is not supported to a structure or building.

Large-scale Major solar energy system Land Development Project. A principal solar energy system that occupies 40,000 square feet of area or more, inclusive of inter-row and panel/collector spacing and is reviewed as a Major Land Development Project

pursuant to the procedures and standards set forth in the Town of South Kingstown Subdivision and Land Development Regulations.

Medium-scale ~~Minor~~ solar energy system. A principal solar energy system that occupies ~~more than 1,750 square feet but less than 40,000 square feet of surface area,~~ inclusive of inter-row and panel/collector spacing.

Principal solar energy system. A solar energy system that is ground-mounted and 1) the only use occupying a parcel, or 2) that produces more than one-hundred and twenty-five percent (~~120~~125%) of the energy that is necessary to support the other use(s) occupying the parcel.

Remediated and restricted contamination site. A property (1) that has been identified and confirmed by RIDEM as having contained a hazardous material contamination; (2) on which remediation activities were conducted to the satisfaction of RIDEM as documented within a “Letter of Compliance” or an “Interim Letter of Compliance”, and (3) for which RIDEM has required the use of the property to be restricted through an Environmental Land Use Restriction.

Roof-mounted solar energy system. A solar energy system that is structurally appended to the roof of a building or structure.

Solar canopy. An elevated structure, built to cover a parking lot, driveway, or walkway, that hosts solar panels and provides shade. Solar canopies are distinct and separate from solar panels installed onto a carport structure.

~~Small-scale solar energy system.~~ A principal solar energy system that occupies 1,750 square feet of area or less, inclusive of inter-row and panel/collector spacing.

Solar energy system. The equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating electricity, and off-loading said electricity to the grid, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced for a nonrenewable resource. This shall include photovoltaic arrays and installations that utilize ground-mounted systems.

Solar energy system operator. The agent or entity that conducts the daily operation and maintenance of the solar energy system under contractual agreement with the solar energy system owner.

Solar energy system owner. The owner of equipment and appurtenances comprising the solar energy system; said entity may also be the solar energy system operator.

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APPENDIX A. USE CODE DESCRIPTIONS

66 Power Plant, Solar, Wind, Gas, Low Sulfur Oil

Electric or steam generating facility power by solar, wind, natural gas or low

sulfur oil only.

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This ordinance shall take effect upon passage.