USE	REA	RA	RS	RU	BH	BN	LC	M	MU 1	MU 2	OS
5.4.9. Service industries											
1. Laundry or Dry Cleaning Plant [4]	N	N	N	N	N	N	N	Y	N	S	N
2. Furniture, Carpet, and Rug Cleaning Plant	N	N	N	N	N	N	N	Y	N	S	N
3. Auto Body or Paint Shop	N	N	N	N	S	N	N	Y	N	S	N
4. Blacksmith or Welding Shop	N	N	N	N	S	N	N	Y	N	S	N
5.Power Generating Station or Sub-station using fossil fuels (e.g., coal, oil, gas)	N	N	N	N	N	N	N	N	N	N	N
6. Waste-to-Energy Power Generation Station or Sub-station (e.g., methane, excluding burning solid waste)	N	N	N	N	N	N	N	S	N	N	N
7. Renewable energy power generation plant using water.	S	S	N	N	S	S	S	S	S	S	S
8. Roof-mounted solar photovoltaic systems as accessory use to residential or commercial buildings	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
9. Ground-mounted solar photovoltaic systems as accessory use to residential or commercial buildings	~~S~~ N	~~S~~ N	~~S~~ N	~~S~~ N	Y	~~Y~~ S	~~Y~~ S	Y	S	S	N
10. Ground-mounted solar photovoltaic systems for commercial use	~~S~~ N	~~S~~ N	~~S~~ N	~~S~~ N	~~S[10]~~	S	~~S[10]~~	~~S[10]~~	S	S	N

1. Special-use permit required for lots under five acres.

2. Falls under Section 5.6.3.7

3. See Section 6.2

4. Only in areas served by municipal water and sewers.

5. Must be screened by an opaque fence or hedge no less than seven feet in height.

6. Adult Specialty Shops shall not be located within 1,000 feet of a residential district, a house of worship, a school, or a playground. No explicit material or advertising shall be visible from the exterior of the building.

7. GLA: Gross Leasable Area. The Gross leasable area shall include indoor and outdoor space utilized for retail display and sale of goods. The gross leasable area of adjacent stores shall be aggregated in cases where the stores are (1) engaged in the selling of similar or related goods, wares, or merchandise and operate under common ownership or management; (2) share checkstands, a warehouse, or a distribution facility; or (3) otherwise operate as associated, integrated, or co-operative business enterprises.

8. Only in areas served by municipal water.

9. Light industrial only

~~10. Allowed by right within developed portions of existing developed sites of two or more acres.~~

(Ord. of 4-1-2019)

(d) Enforcement.

(1) Any person or organization found to be in violation of this article shall be subject to enforcement in accordance with Zoning Section 7 and Penalties according to Section 16.

(2) All unpermitted pre-existing cultivation shall be required to comply with this ordinance.

(3) Notices of violation shall be rectified within (90) ninety days.

(4) All uses permitted under this ordinance shall fully comply with all licensing requirements of the Town of North Smithfield and laws of the State of Rhode Island.

Section 5.7 Solar Photovoltaic System Installations

5.7.1 Purpose

5.7.2 Applicability

5.7.3 Definitions

5.7.4 Requirements for Accessory Use Solar Photovoltaic Systems

5.7.5 Requirements for Ground-Mounted Solar Photovoltaic Systems

5.7.6 Ground-Mounted Solar Photovoltaic System Procedure and Submission Requirements

5.7.7 Improvement Guarantees for Ground-Mounted Solar Photovoltaic Systems

5.7.8 Decommissioning of Unused or Abandoned Solar Photovoltaic Systems

5.7.9 Enforcement

5.7.10 Conflict and Severability

Section 5.7.1 Purpose

The purpose of this section is to regulate solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources, are compatible with the general neighborhood in which they are located and provide adequate financial assurance for the costs of decommissioning and removal.

Further, by way of geographic location of solar photovoltaic systems, it shall be the intention of this ordinance to incentivize solar power production away from forested areas, and towards existing developed sites. Accessory use of solar arrays (i.e. net metering behind the meter) shall

be encouraged for developed properties by allowing such uses by right in BH, BN, LC, and M zone districts.

Section 5.7.2 Applicability

This section applies to all solar photovoltaic systems constructed or substantially modified after the effective date of this ordinance.

Section 5.7.3 Definitions

(a) Accessory use. For the purpose of this section, accessory use shall imply net metering, 'behind the meter', electrical energy generated for the purpose of self-supplying electrical energy to an existing land use.

(b) Applicant. An owner or authorized agent of the owner submitting an application. An authorized agent is someone authorized in writing by the owner.

(c) Engineer. A registered Rhode Island Professional Engineer

(d) Height. The height of a solar photovoltaic system measured from pre-development grade to the highest point of any portion of the system.

(e) Historic Site. Any site, structure, district or archaeological site which is included on a Local, State, or National Register of Historic Places or which is established by qualified testimony as being of historic significance.

(f) Ground-Mounted Solar Photovoltaic System: A Solar Photovoltaic System that has its electricity-generating solar panels mounted on racks or frames that are attached to ground based mounting supports.

(g) Non-Participating Landowner. Any landowner holding title in fee, other than a Participating Landowner whose land is located in the Town of North Smithfield or in an adjoining municipality adjacent to the proposed solar photovoltaic site.

(h) Occupied building. Any residence, school, hospital, house of worship and any other building regularly occupied by or used by one or more persons on a regular basis. Buildings ordinarily used for storage, such as garages, sheds, and the like, are not occupied buildings even though they may be entered for brief periods on a daily basis.

(i) Owner-Operator. The Owner-Operator is the legal entity that owns the solar photovoltaic system and its accessories and is responsible for the operation of the solar photovoltaic system.

(j) Participating Landowner. One or more persons that hold title in fee to the property on which a solar photovoltaic system is to be constructed and operated.

(k) Roof-Mounted Solar Photovoltaic System: A Solar Photovoltaic System that has its electricity-generating solar panels mounted on the rooftop of a residential or commercial building.

(l) Setback line or lines. A line or lines parallel to a lot line at the minimum distance of the required setback for the zoning district in which the lot is located that establishes the area within which the principal structure must be erected or placed.

(m) Solar Photovoltaic System: A power system designed to supply usable solar power by means of photovoltaics. It consists of an arrangement of several components, including solar panels to absorb and convert sunlight into electricity, a solar inverter to change the electric current from DC to AC, as well as mounting, cabling and other electrical accessories. Solar Photovoltaic systems convert light directly into electricity and shouldn't be confused with other technologies, such as concentrated solar power or solar thermal, used for heating and cooling.

Section 5.7.4 Requirements for Accessory Use Solar Photovoltaic Systems

Residential zone districts. All ground-mounted accessory use solar photovoltaic systems within REA, RA, RS, and RU zone districts, shall meet or exceed the following applicable requirements a thru i, in addition to typical special use permit requirements.

Non-residential zone districts. All rooftop or ground-mounted accessory use solar photovoltaic systems within the BH, BN, LC, and M zone districts, shall be allowed by right for existing, developed commercial or industrial sites. In the BH, LC or M zone, depending on the acreage limitation shown in Section 5.4.9.10, this may include commercial, non-accessory use (for profit) solar photovoltaic systems. In such instances, building permit applications shall meet or exceed the following applicable requirements and shall be addressed in the application:

(a) No accessory use solar photovoltaic system may be constructed or substantially modified without first obtaining a building permit.

(b) Setbacks and building coverage – Setbacks and building coverage shall conform to the setbacks and building coverage as specified for the zone in which the accessory ground-mounted solar system is installed. The area for the solar system shall be treated as part of the total lot building coverage.

(c) Fencing – A security fence shall be installed and maintained surrounding all components of accessory ground-mounted solar systems. The fence shall be not less than six feet and not more than ten feet high.

(d) Signs – Clearly visible warning signs concerning voltage shall be placed along the security fence. The signs shall identify the owner and have a 24-hour phone contact for emergencies. These signs shall be exempt from the requirements of Section 6.17 Sign Regulations.

(e) Accessory use solar photovoltaic systems shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts.

(f) Roof-mounted systems - roof setback: For maintenance and fire prevention safety the solar panels and mounts shall be set back from the edge of the roof and the top of the ridge line a minimum of 18 inches.

(g) Systems within developed BH, LC, or M zone district areas shall include design provisions for safe lighting in the case of parking lots, snow removal, utility connections and parking space requirements. Compliance with zoning parking requirements shall be maintained in the event support structures compromise existing parking spaces.

(h) No installation or operation of an accessory use solar photovoltaic system shall result in any form of trespass at any time. Solar reflection onto a neighboring property from the ground level up to 35 feet (or any existing building that is above 35 feet) or noise generation above ambient beyond a lot line on which a solar photovoltaic system is located or increased shading upon a neighboring property shall be considered a trespass.

(1) Solar Reflection. Accessory use solar photovoltaic systems shall be designed and operated to eliminate solar reflection from the ground level up to 35 feet (or on any existing building that is above 35 feet) upon all neighboring properties.

(2) Noise Generation: Accessory use solar photovoltaic systems shall not generate noise above ambient beyond a lot line on which a solar photovoltaic system is installed.

(3) If after completion and operation of the roof-mounted solar photovoltaic system, solar reflection or noise or shading produced by the solar photovoltaic system is found to

exist upon neighboring properties, the Building/Zoning Official shall shut down the solar photovoltaic system and have it covered, if necessary, to prevent reflection. Testing shall be at Applicant's, Participating Landowner's or Owner-Operator's expense.

(i) Nothing contained herein shall have the effect of waiving or limiting the building official's authority to enforce codes with respect to examination of the system, including plans, computations, specifications, and field inspections.

Section 5.7.5 Requirements for Ground-Mounted Solar Photovoltaic Systems

All non-accessory use ground-mounted solar photovoltaic systems shall meet or exceed the following requirements and shall be addressed in the application:

(a) No solar photovoltaic system may be constructed or substantially modified without first obtaining a special-use permit. No solar photovoltaic system shall be permitted within 250 feet of an historic site or historic structure.

(b) In order to be eligible for a solar photovoltaic system, the parcel in question must be at minimum six (6) acres in size, the parcel must be vacant. Furthermore, the proposed solar array (inside fenced area) must not exceed thirty percent (30%) of the gross lot area, or exceed six (6) acres, whichever is less.

(c) Provided dimensional lot area and frontage requirements can be met, a lot may be subdivided to create a vacant parcel to support a solar system provided all appurtenance structures and connections are located entirely within the vacant property.

(d) Setbacks.

(1) Consistent with Section 5.7.5 (g) Visual Buffer and Setback, all solar arrays must be set back a minimum of 100 feet from property lines.

(2) Water Bodies and Wetlands: Setbacks must comply with state environmental regulations.

(e) No installation or operation of a solar photovoltaic system shall result in any form of trespass at any time.

(1) Solar Reflection. Solar photovoltaic systems shall be designed and operated to eliminate solar reflection from the ground level up to 35 feet (or on any existing building that is above 35 feet) upon all neighboring properties.

(2) Noise Generation: Solar photovoltaic systems shall not generate noise above ambient beyond a lot line on which a solar photovoltaic system is installed. Specifically, there shall be a 0db increase over the ambient levels at the Applicant's property boundary lines. The ambient sound shall be determined with pre-application acoustical testing of said sound levels at the property boundary lines, said testing to account for day and evening levels. This standard shall apply to all solar photovoltaic systems in the aggregate that are proposed to be located at the site. After installation, testing shall be performed to confirm compliance by measuring sound levels at the property lines with the solar photovoltaic system in operation and with the solar photovoltaic system shut down to confirm no increase in ambient noise. Testing shall be at Applicant's/Participating Landowners/Owner-Operator's expense.

(3) The Applicant has the burden of showing that the solar photovoltaic system will not have a significant adverse impact on neighboring property. A failure to meet this burden of proof shall result in denial of the solar photovoltaic system application. If after completion and operation of the solar photovoltaic system, solar reflection or noise produced by the solar photovoltaic system is found to exist upon neighboring properties, the Building/Zoning Official Inspector shall order a shut-down of the solar photovoltaic system and have it covered, if necessary, to prevent reflection. Testing shall be at Applicant's, Participating Landowner's or Owner-Operator's expense.

(f) Wildlife, fauna access and migratory patterns to remain unaffected. A solar photovoltaic system and its required fencing shall not have an unreasonable adverse effect on fauna's natural access for feeding, nesting, breeding, transit and migratory patterns. A solar photovoltaic system and its required fencing shall not have an unreasonable adverse effect on rare, threatened or endangered wildlife habitat, rare, threatened or endangered plants and rare and exemplary plant communities. In making its determination under this subsection, the Zoning Board of Review shall consider pertinent application materials and the written comments and/or recommendations, if any, of the North Smithfield Conservation Commission, Planning Board, Rhode Island Department of Environmental Management, and other environmental groups or organizations the Board deems, in its discretion, credible on such matters.

(g) Visual Buffer and Setback – All components of the solar photovoltaic system shall be set back from the property line a minimum of 100 feet. Within the 100-foot minimum setback a permanent all season green buffer shall be planted. The green buffer shall be composed of evergreen vegetation. The green buffer shall completely obscure the solar

photovoltaic system and fencing from all neighboring properties. The green buffer shall be planted with mature plants/trees such that the buffer is complete upon proposed start-up of the solar photovoltaic system. The permission to operate [Certificate of Occupancy] shall not be issued until the green buffer is complete.

(1) The green buffer shall be maintained to provide continuous year-round visual obstruction of the solar photovoltaic system. The green buffer shall be trimmed or/or re-planted to keep it from infringing on neighboring properties and from providing a way over the security fencing.

(h) Fencing – A security fence shall be installed and maintained surrounding all components of the solar photovoltaic system. The fence shall be no less than six feet and no more than ten feet tall. The fence shall be inside the Visual Buffer and Setback.

(i) Signs. Clearly visible warning signs concerning voltage shall be placed along the security fence. The signs shall identify the owner and have a 24-hour phone contact for emergencies. These signs shall be exempt from the requirements of Section 6.17 Sign Regulations.

(j) Maximum Height. The maximum height of any component or appurtenance structure of the ground-mounted solar photovoltaic system shall be 15 feet. may want to consider higher if over parking lots

(k) Utility Connections, Electrical Components. Utility connections for the solar photovoltaic system shall be installed underground on the subject property. Electrical transformers for utility interconnections may be above ground if required by the utility provider. All electrical components of the solar photovoltaic system shall conform to all relevant and applicable local, state and national codes, laws and regulations. connections must be maintained on subject property only.

(l) Appurtenant Structures. Appurtenant structures, such as equipment shelters, transformers, and substations shall be within the security fencing. All appurtenant structures shall be shielded from view by the green buffer.
Storage buildings shall not be permitted on the solar photovoltaic system site.

(m)Environmental Sensitivity - In addition to any requirements of Section 17, to the maximum extent practicable, all ground mounted solar voltaic installations shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize alterations of and negative impacts to natural features, historic and cultural resources, and scenic areas. Any grading or site preparation must, to the extent possible, conform to the natural topography of the area. Excavation of material including gravel, sand and rock is strictly prohibited unless it is necessary to properly

locate the solar photovoltaic installation, and such excavation shall only be that which is minimally necessary. The applicant shall conduct and pay for a site analysis conducted prior to the conceptual site planning process.

(n) Other considerations. In deciding whether to grant a special-use permit and height variance for a solar photovoltaic system, the Zoning Board of Review may consider relevant matters not expressly mentioned in this section including the adverse impacts on scenic vistas and interference with electromagnetic communications, such as telephone, radio, and television. The Board may impose special conditions reasonably necessary to remove or alleviate any potential adverse impacts that it determines.

(o) Maintenance. Solar photovoltaic systems shall be maintained in good condition. Such maintenance shall include painting, structural repairs, integrity of security measures, maintenance of green buffer and maintenance of drainage and runoff systems. Solar photovoltaic systems shall be inspected for structural integrity, security measures and maintenance of drainage and runoff systems by an Engineer at least once each year. The inspection report shall be submitted annually to the Building/Zoning Office on the anniversary of the issuance of the building permit.

(p) On-site Inspections and Construction Control

(1) An Engineer shall certify to the Building/Zoning Official that he/she has observed and inspected the following work and it complies to the construction documents. Upon acceptance of the certification the Building/Zoning Official shall record a confirmation of completion. Such records shall certify that the work has been performed in a manner consistent with the approved plans and specifications for the following phases of construction as a minimum:

i. Soil condition and analysis

ii. Drainage and runoff systems

iii. Footings

iv. Structural integrity of mounting systems

v. Fire Prevention, Detection and Alarm Systems

vi. Electrical Systems

vii. Mechanical Systems

viii. Field reports, test data and related documentation

ix. Photos

(2) Nothing contained within construction control shall have the effect of waiving or limiting the building official's authority to enforce codes with respect to examination of the contract documents, including plans, computations and specifications, and field inspections.

(q) Liability Insurance: The Applicant shall maintain a current general liability policy during the construction phase of the Solar photovoltaic system that covers bodily injury and property damage with minimum limits of Two Million Dollars ($2,000,000.00) per incident/per occurrence. The Applicant shall provide the Zoning Board of Review with a valid certificate of insurance listing the Town of North Smithfield as additionally insured.

Section 5.7.6 Ground-Mounted Solar Photovoltaic System Procedure and Submission Requirements

All ground-mounted solar photovoltaic systems shall follow the procedure and submission requirements herein:

(a) Site Plan Review. The application for solar photovoltaic systems shall be reviewed by the Planning Board under the Site Plan Review regulations, as a minor land development, however, with a public hearing and in accordance with R.I. General Laws 45-24-49. The Planning Board shall then submit its opinions to the Zoning Board of Review for further action on the application. Such opinions shall be advisory to the Zoning Board of Review. The Building/Zoning Official and the Town Planner shall not have the authority to exempt the application from Site Plan Review under Section 17.1.2 or any requirements of Section 17 Review Process.

(b) The following information shall be provided to the Planning Board and Zoning Board of Review as part of an application for a special-use permit to install a solar photovoltaic system:

(1) A completed application form including:

i. Identification of the Participating Land Owner(s), the person(s) or entity(s) that will be operating, owning and constructing the solar photovoltaic system, their full names, addresses and contact information.

ii. The proposed site address, plat and lot numbers, zone and owners of the proposed solar photovoltaic system site and any contiguous parcels owned by the Participating Landowners.

iii. The current use of the land site, owners and addresses of owners of the parcels that abut the proposed site or abut parcels of Participating Landowners that are contiguous with the proposed site. A view shed analysis and map must be provided.

iv. A plan, signed and stamped by an Engineer, drawn to scale, showing where the solar photovoltaic systems will be located on the lot.

(c) In addition to the information required under Section 5.7.5 and 5.7.6, the following information shall be provided with an application for a solar photovoltaic system:

(1) All drawings submitted shall be signed and stamped by an Rhode Island licensed Engineer. At least one original copy of each drawing shall be provided at each review.

(2) Description. A description of the proposed solar photovoltaic system that includes the aggregate generating capacity of all proposed solar photovoltaic systems, manufacturer's specifications for solar panels, mounting systems, inverters, transformers and other noise generating equipment (including but not limited to the make, model, capacity, sound emission levels) and a description of the associated facilities.

(3) Site Plan. Plan shall show the proposed location of each solar photovoltaic system and associated facilities.

(4) Electrical Design. One or three-line electrical diagram detailing the solar photovoltaic installation, associated components and electrical interconnection methods, with all current state electrical code compliant disconnects and over current devices.

(5) Written evidence that the provider of the electrical service to the property has approved connection of an electric generation facility to the electricity grid, if such connection is proposed.

(6) Complete description of emergency and normal shutdown procedures.

(7) Soil analysis confirming that the soil conditions are suitable for the designed mounting system signed and stamped by an Engineer.

(8) Environmental Factors. The environmental impact of the proposed solar photovoltaic system shall be analyzed by a professional environmental company. The impact analysis shall be performed and paid for by the Applicant. The analysis shall be specific to the site in terms of at risk species of concern and their habitats. The following shall be addressed:

i. Constraints imposed by environmental and archeological regulations.

ii. The presence of animal species of concern and/or critical habitat for these species.

iii. The impact on access ways for fauna transit and access to feeding/nesting/watering areas.

iv. Presence of plant communities of concern.

v. Presence of critical areas of species congregation, such as; maternity roosts, hibernation sites, staging areas, winter ranges, nesting sites, and migration stopovers.

vi. The potential impact of habitat fragmentation.

vii. For projects requesting dimensional relief for size, a 1-to-1 tree replacement of only those existing, native trees that are to be compromised which are of 20-inch diameter or greater. Said trees may be replaced by newly-planted trees of 3-inch diameter caliper at breast height anywhere in Town.

(9) An operation and maintenance plan, describing the general procedures for operational maintenance of the solar photovoltaic system or maintenance of access roads and storm water controls. If applicable, the plan shall also describe the provisions for remote monitoring in the proposed maintenance and inspection schedule.

(10) Decommissioning Plan, as a condition of approval, the landowner shall grant a municipal lien for all costs necessary to remove the entire solar array including all appurtenance structures along with costs related to landscaping to pre-existing conditions. As a condition of approval, the landowner shall also be named as the responsible party, along with the developer, for the removal and restoration of the property.

Section 5.7.7 Improvement Guarantees for Ground-Mounted Solar Photovoltaic Systems

(a) Definition and Purpose

(1) A "Public Improvement" includes any installations, alterations, maintenance and repair of utilities and of town infrastructure including public roads and rights of way that must be utilized to access the site. This term includes all requirements of the transportation plan. An "Improvement Guarantee" is a security instrument or cash accepted by the Town to ensure that all public improvements, are properly protected..

(b) General Procedures

Prior to issuing a certificate of occupancy for the solar photovoltaic system, the Town shall inspect public improvements used to access the construction site and require the Applicant to repair any improvements as requested by the Town. The Town reserves the right to require an improvement guarantee as defined by RIGL 45-23-32 and the Town's Land Development and Subdivision Regulations which derive authority from RIGL 45-23-46.

Section 5.7.8 Security cash bond for the decommissioning of Unused or Abandoned Ground-Mounted Solar Photovoltaic Systems

(a) Prior to the issuance of a permit under this Ordinance, the Applicant shall deposit in the form of cash with the municipality, the full estimated cost of dismantling and removal of the solar photovoltaic system, including the cost necessary to return the property to its pre-siting condition, which the municipality shall place in an interest-bearing escrow account. A solar photovoltaic system that is not generating electricity for six (6) consecutive months shall be deemed discontinued. In the event the solar photovoltaic system has not generated electricity for a period of 6 months, the Building/Zoning Official shall notify the Owner-Operator of the solar photovoltaic system that the solar photovoltaic system has been deemed abandoned. The solar photovoltaic system shall be removed from the property by the Applicant/Owner-Operator within 120 days of receipt of notice from the Building/Zoning Official unless an appeal has been filed. If, however, the solar photovoltaic system is not removed within this time period, the municipality shall withhold the escrowed funds. These funds shall be used to pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads and reestablishment of vegetation. If funds remain after the necessary expenditures, the municipality shall reimburse the Applicant, owner, successor, or assigned. If additional funds are required, the Town reserves its right to pursue funds through a recorded municipal lien against the landowner's property, as required as a condition of approval, in section 5.7.6.c.10.

(b) Decommissioning shall be overseen and certified by the Town's peer review engineer before funds are released at the applicant's and or owner's cost and expense.

(c) The Town's peer review engineer shall determine a cost per megawatt for each application that is inclusive of consumer price index trends established by the Federal Bureau of Labor Statistics in effort to predict construction cost escalation to support said decommissioning in future years. The cost of this peer review shall be borne by the Applicant..

(d) At least 30 days before a solar photovoltaic system is scheduled to be decommissioned, the Owner-Operator shall notify the Building/Zoning Official by certified mail of the proposed date of discontinued operations in plans for removal. The Owner-Operator is responsible for securing any necessary state and local permits prior to the dismantling of a solar photovoltaic system.

Section 5.7.9 Enforcement

Violations of this Section shall be enforced by the Building/Zoning Official.

Section 5.7.10 Conflict and Severability

(a) If there is a conflict between the provisions of this Ordinance and any other state or local ordinance, the more stringent provision shall apply. If there is a conflict between a provision of this Ordinance and that of another provision of the Zoning or Subdivision Ordinance, the provision of this Ordinance shall apply

(b) The invalidity of any part of this Ordinance shall not invalidate any other part of this Ordinance provision.

Delete Section 5.7.11 in its entirety

Section 5.7.11. Solar Photovoltaic Overlay District:

a. **Purpose:** The purpose of this section is to create an overlay district in which a large scale solar photovoltaic system may be installed by right and governed in a coordinated manner with the Town's existing regulations and comprehensive plan, including the implementation of special land use controls, proper rural planning, development tools and the implementation and administration of the Town's Code of Ordinances. Based on the Comprehensive Plan Land Use element, the areas and large tracts of rural land designated within this overlay district may be better preserved with a lesser impact on the community as a whole or immediate surrounding neighborhoods if permitted to be

utilized for renewable energy rather than be left to private development or redevelopment. It is recognized that renewable energy is encouraged and deemed desirable within the Town provided that appropriate standards for installation and design are incorporated and applied. For these reasons the Town has determined it appropriate to created certain overlay districts to permit, govern and monitor the installation and design of large scale solar photovoltaic systems.

b. Definition: For the purpose of this section, large scale solar photovoltaic systems shall consist of the following

1. A utility-scale Ground-Mounted Solar Photovoltaic System for the purpose of selling energy and energy credits to an electric utility company, a municipality, or any other third party consumers of energy, which area size exceeds six (6) acres and thirty (30%) percent of the gross lot area.

c. Overlay district: The Solar Photovoltaic Overlay District (SPOD) is hereby established and constructed as an overlay district. Expansion of the overlay district, whether by administrative, minor or major subdivision, shall be considered an amendment to the Town's zoning code and subject to review by the Town Council and Planning Board in accordance with RIGL 45-24-51. Within the areas identified herein and construed and considered as part of this overlay district, large scale solar photovoltaic systems shall be permitted as a use by right. This overlay district shall be limited to the following area as shown on Map 1, Large scale solar overlay zone. The area is generally bound by three electrical utility rights of way to the east, west and north, and bounded southerly by Iron Mine Hill Rd. Said zone shall be set back 100' from utility rights of way and maintain a 500' setback from Iron Mine Hill Rd.

i. If any portion of a lot overlaps into the overlay zone, only that portion within the overlay zone is eligible for solar array.
ii. Notwithstanding any other dimensional provision to the contrary, a setback of 100 feet shall apply and be measured from the overlay zone line as depicted on Map 1.
iii. The following Maps and lots, either in part or entirety, fall within the overlay zone:

012-132	012-136-B	017-175
013-107-A	017-130	016-097
012-137	016-005	016-006
012-156-A	013-052	013-051
012-270	013-012	013-010-A
012-306	012-326	

d. **Schedule.** A large scale solar photovoltaic system development approved pursuant to this ordinance shall expire unless construction is started within twelve (12) months and completed within thirty-six (36) months of final plan approval unless a longer period and/or phased period for development is agreed to by the town council and the applicant.

e. **Development Incentives to the Town.** All requests for development of large scale solar photovoltaic systems should be designed to foster and promote compatibility with the general character of the Town and be consistent with the comprehensive plan. The development shall ensure that a primary concern will be buffering for the surrounding residential land uses; proposed development should not materially increase the light impact on the nearby neighborhoods; the proposed development should not materially increase noise impact on the nearby neighborhoods; and the development should be of the most benefit to the Town in terms of tax revenue and preservation of rural areas. In doing so, the proposed development shall provide the Town with an incentive proposal, above the minimum rates established by RIGL 44-5-3 that will contribute to the Town financially and/or enhance the services the Town provides as well as negate any expenses or costs the Town incurs because of the installation and development of a large scale Solar Photovoltaic system.

    i. Request for approval from the Town Council for a tax agreement (e.g. PILOT and any other impact fees and development incentives etc.) shall be included as part of the Preliminary Plan Application, pursuant to R.I. Gen. Laws §§45-23-50.1, if applicable, and 45-23-41.

f. **Designs and General Standards of Applicability:** For purposes of the Solar Photovoltaic Overlay District (SPOD), the design and general standards of this Sections 5.7.5; 5.7.6; 5.7.7; shall be applicable to any large scale Solar Photovoltaic System developed and installed in the SPOD overlay district, as provided for herein. Within the SPOD all regulations of the underlying district shall continue to be in full force and effect, except where the regulations herein supersede such underlying requirements or provide alternatives to such requirements.

g. **Development Review:** For purposes of the Solar Photovoltaic Overlay District (SPOD), any proposed large scale solar photovoltaic system shall be reviewed by the Town of North Smithfield Planning Board as a Major Land Development as provided for in R.I. Gen. Laws § 45-23-39 and the Town's subdivision regulations, with the understanding that the proposed project has already been deemed to be consistent with the Town of North Smithfield Comprehensive Plan, and a permitted use by the enactment of this ordinance; thereby, not requiring a special use permit from the Town of North Smithfield Zoning Board of Review, as set forth in Section 5.7.6(d). For purpose of the SPOD, the first sentence of 5.7.5 (a) shall not apply. Section 5.7.5 (c) shall not apply. Section 5.7.5 (e)(2) shall not apply, except in areas in which the large scale solar photovoltaic system

abuts residential property, in those instances "pre-application acoustical testing" shall not apply rather ambient sound testing shall be conducted after all site preparation and before installation of the solar array panels. Section 5.7.5 (d) (1) and the first sentence of 5.7.5 (g) shall not be applicable to internal property lines of a utility-scale Ground-Mounted Solar Photovoltaic System that includes multiple properties. For purpose of the SPOD, Section 5.7.8, Decommissioning, shall require approval by the Town Council as part of the Preliminary Plan Application to the Planning Board. Surety shall be in the form of either a combination of bond, cash, and/or property liens, to ensure adequate financial protection exists to support dismantling of an abandoned system. The Planning Board may provide a waiver of the requirements of Section 5.7, as requested.

h. **Conflict of Laws:** If there is a conflict between the provisions of this amendment and any other local ordinance, the provisions of this amendment shall apply. In the event there is a conflict between a provision of this amendment and that of any other provision of the Town's Subdivision Regulations and/or Zoning Ordinances, the provisions of this amendment shall apply.

i. **Effective Date:** This Ordinance shall take effect upon passage.

(Ord. of 12-16-2019)