

**Notice of Public Hearing**  
**Proposed Amendment to TNS Zoning**  
**Relating to Solar Energy Systems:**  
**Section 517 - Solar Energy Systems And Article 4 Criteria for Special Use Permits**  
**Section 425 “Solar Energy Systems”**

**Monday, February 1, 2021**  
**Town Hall, Old Town Road, Block Island RI**  
**7:00 PM**

The New Shoreham Town Council will consider amendments to the Zoning Ordinance related to Solar Energy Systems, as follows. Deletions appear crossed out and additions are underlined. The proposed language may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing.

**Section 517 – Solar Energy Systems (SES)**

- A. Purpose: ~~This section is intended to provide for and encourage the installation of solar energy systems on Block Island. Such systems shall include both solar thermal, to heat water, and photovoltaic systems, to create electricity. Photovoltaic systems may either provide power to be consumed on site, or be connected to the electrical production and distribution system with credit given by the utility for excess power produced.~~ The purpose of this section is to regulate the placement, design, installation and removal of solar energy systems to minimize any potential adverse impact they may have on the aesthetics, public health, and safety of the Town.
- B. Intent: The Town encourages the use of accessory solar energy systems to reduce reliance on fossil fuels and to promote resiliency. The Town supports solar energy systems in locations which provide the greatest potential energy generation while actively striving to minimize the visual impacts to the existing landscape from which SES are visible from adjoining roadways and abutting properties.
- C. ~~B.~~ Definitions: The following terms shall have the following meanings as used in this Section:
1. Abandoned Solar Energy System: A solar energy system that has reached the end of its useful life, is not fully maintained, or is disconnected with no plan for reconnection.
  2. Solar Energy System Array Size: The total area of the collector panels in a solar energy installation, measured as the length times width of each panel, with the area of all panels totaled to determine system size and expressed as square feet. System Array size is to be applied when calculating the contribution of a ground mounted solar energy installation system to lot coverage.
  3. Front Setback: An open unoccupied space on the same lot with the structure extending the full width of the lot and situated between the street line and the front line of the structure projected to the side lines of the lot.
  4. 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.
  5. Roof-Mounted Solar Energy System: A solar energy system that is structurally appended to the roof of a code compliant structure.

6. Solar Canopy: A solar energy system that is located on an elevated accessory structure that hosts solar panels and provides shelter to a parking area, driveway or walkway underneath.
7. ~~1.~~ Solar Energy Installation System (SES): The collective components of an individual solar energy system, including solar hot air or water collection devices or solar photovoltaic panels or arrays, and all supporting equipment and structures, and subsystems, including both solar thermal and photovoltaic, required to convert solar energy into electric energy or hot water. Solar energy systems are further defined by the following installation types: roof-mounted, ground-mounted, and solar canopies.

D. ~~C.~~ Applicability and Review Procedures:

1. Solar energy systems are considered accessory uses and are allowed in the Town of New Shoreham as follows: in all zoning districts as accessory uses subordinate to the principal use of the parcel.
  - ~~1.~~ A roof mounted solar energy system, meeting all of the provisions of Section E below shall be allowed by right in all zoning districts.
  - ~~2.~~ Ground mounted solar energy installations with a total system size of 750 square feet or less on a single lot or parcel shall be allowed by right in all zoning districts.
  2. Ground mounted solar energy installations systems, or solar canopies, with a total system array size greater than ~~750~~ 400 square feet may be allowed by special use permit under the provisions of Section 424. An application must be submitted to the Zoning Board of Review for a Special Use Permit under the provisions of Section 425. Any such application shall also be subject to Development Plan Review by the Planning Board under the provisions of Section 704.
  3. Any solar system SES proposed within the Historic Overlay District shall require review and approval by the Historic District Commission.
  4. Solar energy systems must be consistent with all applicable State and Federal fire and electrical safety codes and shall obtain all necessary statewide solar, building, and electrical permits from the Building Official prior to commencement of construction.

D. Procedures: Prior to the installation of a solar energy system, the property owner or installer shall receive a building permit from the Building Official. The following procedures shall apply:

- ~~1.~~ An application for a solar energy installation shall be made on a form to be provided by the Building Official. If the total system size of purposed ground mounted solar energy installations exceed 750 square feet, an application must be submitted to the Zoning Board of Review; for a special use permit under the provisions of Section 424. Any such application shall also undergo development plan review by the Planning Board under the provisions of Section 704.
- ~~2.~~ The Building Official will determine if the proposed system, whether roof mounted or ground mounted, meets all of the applicable dimensional standards of this Section, or if a dimensional variance is required, in which case an application shall be submitted to the Zoning Board of Review under the provisions of Section 706.
- ~~3.~~ The Building Official shall not grant a building permit for any solar system within the Historic Overlay

~~District until the Historic District Commission has reviewed and approved.~~

~~E. Standards for Roof-Mounted Systems: solar collectors or panels which are mounted on the roof of a building are exempt in the calculation of the calculation of the building's height, but may shall not extend above the highest point of the roof, regardless of its total height, by more than one (1) foot unless a dimensional variance is obtained. In no case shall a solar panel extend beyond the edge of the roof. In addition, if the distance between the surface of the roof and the upper surface of eh solar panels shall not be more than four two (4 2) feet, i.e. meaning the panel shall not be higher than 4 2 feet above the plane of the roof. If feasible, such panels shall be mounted so as to not be visible from adjoining roadways or neighboring properties. Roof mounted systems are considered separate from, and shall be reviewed for compliance independently of, ground mounted systems on the same lot or parcel.~~

~~F. Standards for Ground-Mounted Systems: The following dimensional standards shall specifically apply to ground-mounted solar systems. Solar energy systems which consist of one or more installations that exceed 750 square feet of system size on a single lot or parcel are allowed only by special use permit and shall be governed by the standards of Section 424. Relief from height and setback requirements may be granted by the Zoning Board of Review as a dimensional variance. Ground mounted systems are considered separate from, and shall be reviewed for compliance independently of, roof mounted systems on the same lot or parcel.~~

~~1. Height: A ground mounted solar system Ground-mounted SES shall not exceed eight ten (810) feet in height, as measured from the natural grade to its highest point, including the top of any support structure or panel when adjusted to its highest seasonal position.~~

~~2. Ground-mounted SES shall comply with the minimum side and rear setbacks for accessory structures and uses for the zoning district in which the SES is located. Applications seeking placement of ground-mounted solar energy systems within the front setback of a property shall require a Special Use Permit from the Zoning Board of Review. Such use shall also undergo development plan review by the Planning Board under the provisions of Section 704.~~

~~3. Lot Coverage: The first two-hundred fifty (250) square feet of system array size, of one or more solar energy installations on a single lot shall be exempt in the calculation of total lot coverage in all zoning districts. Any Additional square foot area of system array size beyond 250 square feet shall be counted toward the maximum lot coverage for the zoning district in which the system is located.~~

~~1. Setbacks:~~

~~a. Front. Solar panels should not to be placed within the front setback of a property, as defined in Section 202, if there is a viable alternative location. Any panel that is so located must meet the minimum front setback requirement for the zoning district in which it is located. However, in the OHC Zone, no ground mounted solar system shall be placed within the front setback of any property.~~

~~b. Side and Rear. A solar energy installation with a system size of 250 square feet or less is governed by the following reduced setback requirements:~~

~~1. Fifteen (15) foot side and rear setbacks shall be allowed in the RA and RB Zones and in the SC Zone; and~~

~~ii. Ten (10) foot side and Rear setbacks shall be allowed in the RC, RC/M and M Zones and in the OHC and NHC Zones.~~

~~The reduced setbacks above are allowed for a solar energy installation on a single lot provided that the total system size does not exceed 250 square feet. Any solar energy installation that meets 250 square feet of system size must meet the minimum side and rear setbacks for the zoning district in which the system is located.~~

G. Standards for Solar Canopies: Building height for solar canopies shall not exceed twelve (12) feet in height. All other applicable dimensional standards required for the zoning district in which the proposed solar canopy is located shall apply.

H. Abandonment: If any solar energy system is not fully maintained or is abandoned, the Building Official shall be authorized to direct the removal of such system and all of its components. The property owner shall remove the system within sixty (60) days of said notice by the building Official. Any abandoned solar energy system shall be removed within 180 days from the date of discontinued operations. Decommissioning shall consist of:

1. Physical removal and recycling of all solar energy system components.
2. Disposal of all solid and hazardous waste in accordance with all federal, state and local laws, regulations and ordinances.
3. Stabilization and re-vegetation of the site necessary to minimize erosion.

The Building Official shall be authorized to direct the removal of abandoned SES and all of its components. The property owner shall remove the system within ninety (90) days of said notice by the Building Official. If the owner or operator of an abandoned or decommissioned SES fails to remove the SES in accordance with the provisions of this section, the Town of New Shoreham may enter the property and physically remove all components of the SES at the cost of the property owner.

## **ARTICLE 4 - CRITERIA FOR SPECIAL USE PERMITS**

### **Section 425 - Solar Energy Systems**

A. Applicability: Solar energy systems are considered accessory uses, and are permitted in all zoning districts, as provided in Section ~~516~~ 517.

A ground-mounted solar energy system, or solar canopy, consisting of one or more installations with a total ~~system~~ array size greater than ~~750~~ 400 square feet, is allowed only upon the granting of a special use permit by the Zoning Board of Review. Such use shall also undergo development plan review by the Planning Board under the provisions of Section 704. In no case shall a solar array size greater than 750 square feet be permitted if the primary use of the lot is residential.

A ground-mounted solar energy system, or solar canopy, consisting of one or more installations to be located in the front setback of a property, is allowed only upon the granting of a special use permit by the Zoning Board of Review. Such use shall also undergo development plan review by the Planning Board under the provisions of Section 704.

B. Standards: Prior to the approval of an application submitted under this Section, the Zoning Board of Review shall determine that it meets the general criteria for a special use permit. The standards below listed in Section 517, as applicable, and the following standards shall also apply.

- ~~1. Dimensional Requirements: All applicable dimensional standards required for the zoning district in which the proposed solar energy system is located shall apply, specifically setbacks and lot coverage, unless a dimensional variance is also granted by the Zoning Board of Review. However, in no case shall a ground-mounted solar energy system proposed under this Section be allowed within the front setback of any residentially-used property;~~
2. The system shall not exceed eight (8) feet in height, as measured from the natural grade to its highest point, including the top of any support structure or panel when adjusted to its highest seasonal position;
  1. All electrical lines are to be placed underground and the system designed to prevent unauthorized access; and Power and communication lines running between sub arrays of solar panels and to the off-site electric distribution system or interconnections with buildings onsite shall be buried underground.
  2. The system shall be comprised of low glare panels, and or black framing. Solar energy systems shall be designed and located to prevent reflective glare towards any inhabited building or roadway.
  3. Solar energy systems shall be constructed and maintained in a way that minimizes the use of herbicides and pesticides. Vegetative cover, consisting of native plants, shall be maintained to prevent soil erosion.
  4. Solar energy systems shall be sited and designed to minimize any negative aesthetic impact on viewsheds and abutting properties. The siting of solar energy systems should prioritize limiting visibility from public roadways. The design shall incorporate landscaping and design elements to visually screen the SES from public roadways and abutting properties.

Posted: January 11, 2021

Public Hearing: February 1, 2021

Fiona Fitzpatrick  
Town Clerk