

APPENDIX II.

City of East Providence Zoning Amendment of September 6, 2011.

SECTION I. Section 19-1 entitled “Definitions” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended by adding thereto the following:

Large-Scale Ground-Mounted Solar Photovoltaic Facility means a solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum rated nameplate capacity per panel of 250 kW DC or more.

Rated Nameplate Capacity means the maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

Solar Energy Device means 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. Such shall include photovoltaic arrays and installations that utilize ground mounted systems.

SECTION II. Section 19-1 entitled “Definitions” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended by amending the following definition:

Open Space means lands primarily undeveloped, including public and semi-public open lands and private development of similar low building intensity. The purposes of this land are to provide park, recreational, historic and scenic areas and the conservation of land and other natural resources. The following uses are considered to be in character with the concepts of this definition: farming; conservation districts; historic areas; hunting preserves; state and local parks; parkways; playfields and playgrounds; reforestation areas and wood lots, reservations, watershed and water supply lands; wildlife refuges and nature centers; day and overnight camps for children; golf and country clubs; institutional uses; seminaries, monasteries and convents; public and private schools; and sportsmen’s clubs; and a large-scale ground-mounted solar photovoltaic facility.

SECTION III. Division 4 entitled “Accessory Uses” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended by adding thereto the following:

Sec. 19-176. Purpose - Large Scale Ground Mounted Solar Photovoltaic Facility.

1. The purpose of this section is to promote the development of Large Scale Solar Photovoltaic Facilities (SPF) to promote sustainable renewable energy options through the use of such equipment as solar photovoltaic cells and potentially the use of said facility as an educational opportunity regarding green technology and renewable energy. This section applies to large-

scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section.

2. A Large Scale Solar Photovoltaic Facility shall be a permitted accessory use on portions of the property owned by the City of East Providence, known as the former Forbes Street Landfill, Parcel 001, Block 1, Assessors Map 511, zoned Open Space - 1, subject to review and approval by the Planning Board as a Land Development Project (LDP).

3. The construction and operation of all large scale solar photovoltaic installations shall be reviewed in accordance with the procedures and standards of Article V. Land Development Projects. The land proposed for the SPF is owned by the City of East Providence and an SPF shall not be approved unless the applicant(s) has/have executed a contingent sale (based on an SPF being approved) or an executed long-term lease (ten (10) years or more) for all the property composing the proposed SPF. The Board shall impose any reasonable conditions they find appropriate to improve the site design. The underlying zoning of the site shall stay in effect. In addition, electrical, plumbing and/or building permits from the Building Division shall be required.

4. Pre-Application Conference: The applicant shall have at least one pre-application conference with the Director of the Department of Planning. The Planning Director, as Administrative Officer, may invite the Director of Public Works, City Engineer, Fire Chief, Building Official, Zoning Officer, and any other party deemed to be appropriate to the Pre-Application Review.

Sec. 19-177. General Requirements and Standards.

1. Consistency with the Comprehensive Plan. The proposed Large Scale Solar Photovoltaic Facility shall further the implementation of the City's adopted Comprehensive Plan and a finding of consistency with said document shall be required.

2. Front, Rear and Side Yard Building Setback Regulations. SPF's shall meet all required setbacks from all property lines which form the perimeter of the site and any interior access driveways and rights-of-ways shall be platted on the site plan and their material for construction, right-of-way width, and paved width, shall be shown on the required plans.

3. Operation and Maintenance Requirements for the SPF. The property shall be maintained by the owner(s) of the property and/or the operators of in such a way that the property shall be cleared of debris, weeds, trash etc. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. The equipment shall remain in good repair and working order; malfunctioning, equipment in disrepair or inoperable equipment shall be removed from the property immediately and disposed of in accordance with all applicable local, state and federal regulations.

4. Compliance with Laws. The construction and operation of a Ground-Mounted Solar Photovoltaic Facility shall comply with all applicable local, state, and federal 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 Ground-Mounted Solar Photovoltaic Facility shall be constructed in accordance with the State Building Code.

5. A sign at the Facility shall be required to identify the name of the owner and operator of the Facility and provide a 24-hour emergency contact phone number. The Facility shall not be used for displaying any advertising except for reasonable identification of the operator of the Facility. And any such signs shall meet the City's zoning regulations.

6. No large-scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit. This requirement shall not interfere with National Grid requirements on net metering.

Sec. 19-178. Large Scale Ground Mounted Solar Photovoltaic Facility - Standards

(a) The maximum height of a ground mounted solar energy panels shall be fifteen (15) feet. The height of a ground mounted solar energy system shall be measured from the ground level or the base of the system's pedestal to the highest point of the solar energy system or the base of the system's pedestal.

(b) Ground mounted solar energy systems shall conform to the yard requirements of the applicable zoning district or be setback a distance equal to the total height of a panel, whichever is greater.

(c) Electrical wiring and connections from the solar energy system to any building(s) they serve shall be underground to the extent compatible with the topography and site conditions, unless the electrical lines must come aboveground at their termination point to connect to the building or utility line receiving the solar-generated electricity.

(d) Electrical, plumbing, and/or building permits from the Building Official, following LDP approval from the Planning Board, shall be required.

(e) Any and all construction shall comply with the yard and height requirements of the Zoning District in which the parcel is located, Open Space - 1.

(f) Parking and Aisle Width Requirements. The applicant shall demonstrate that adequate access, parking, driveway and access aisle widths and circulation are provided for service and emergency vehicles as determined by the Board in consultation with the Fire Chief.

(g) Drainage. Erosion and sedimentation control shall conform to the Rhode Island Department of Environmental Management Stormwater Design Manual and all applicable regulations of the City of East Providence.

(h) Landscaping. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted Solar Photovoltaic Field or as otherwise prescribed by applicable laws, regulations, and by-laws.

(i) Reasonable efforts, as determined by the Board, shall be made to place all utility connections from the SPF underground, depending upon appropriate soil conditions, shape, topography of the site, sub-surface conditions, and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

(j) Lighting of a Ground-Mounted Solar Photovoltaic Facility shall be consistent with local, state, and federal law. Lighting of other parts of the Facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the Facility shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

(k) Main Access. At the main entrance to the facility, the property shall be secured from unauthorized access subject to the review and acceptance of the Planning Board and concurrence of the Director of Public Works and the Fire Chief as it relates to the provision of emergency services.

Sec. 19-179. Large-Scale Solar Photovoltaic Land Development Project Review

1. LDP Application Form signed by both the City of East Providence and an authorized representative of the proposed operator(s) of the facility, an executed Ground Lease for the location of the facility on portions of the City's former Forbes Street landfill, and a description of the financial surety that satisfies Sec. 19 - 280. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Rhode Island.

2. Site Plan. The applicant shall submit a site plan containing the following information:

(a) The boundaries of the property and the area, including dimensions and square footage of the total installation and number of arrays, showing where the solar arrays are proposed to be installed;

(b) Geotechnical feasibility study relating to possible landfill settlement post-installation;

(c) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

(d) Location and dimensions of proposed parking areas, roads, and other site improvements;

(e) Existing and proposed grading, clearing and/or placement of vegetation;

(f) Location of existing and proposed electric lines;

(g) Location and perimeters of existing and proposed easements;

(h) Location of all underground utilities, water and sewer lines;

- (i) The construction schedule and any phasing schedule for development of the SPF.
- (j) The large-scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the city's fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

3. Proof of liability insurance.

4. Operation and Maintenance Plan. The applicant shall submit a plan for the operation and maintenance of the Large Scale Solar Photovoltaic Facility:, which shall include measures for maintaining safe access to the facility, stormwater control, as well as general procedures for operational maintenance of the facility. Maintenance shall include, but be not limited to, painting, structural repairs, and integrity of security measures.

5. Additional Materials. The applicant shall submit additional information, reports or other information required by the Planning Board to make an informed decision.

6. Utility Notification. No large scale ground mounted photovoltaic facility shall be constructed until evidence has been given to the Board that the utility company that operates the electrical grid where the facility is to be located has been informed of the Solar Photovoltaic Facility owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

Sec. 19-180. Abandonment and Decommissioning

1. Removal Requirements. Any large-scale ground mounted SPF which has reached the end of its useful life or has been abandoned consistent with other provisions of Chapter 19, Zoning shall be removed. The owner or operator shall physically remove the facility no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

(a) Physical removal of all large-scale ground-mounted SPF's, structures, equipment, security barriers and transmission lines from the site.

(b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

(c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the SPF shall be considered abandoned when it fails to operate for more than one year without the written consent of the City Council and Planning Board as it relates to the Land Development Project approval. If the owner or operator of the large-scale ground mounted SPF fails to remove the facility in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the City may physically remove the facility.

3. Financial Surety. Applicants proposing to develop large scale ground mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the City must remove the facility and restore the landscape, in an amount and form determined to be reasonable by the Board (and subject to the review of the City Solicitor), as agreed to and detailed in the site lease agreements. As part of the review for the lease agreements, the applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. Such surety will not be required for municipally or State-owned facilities.

SECTION IV. Subsection (a) of Section 19-362 entitled “Uses and activities requiring land development project approval” of Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended by adding thereto the following:

(7) A Large-Scale Ground-Mounted Solar Photovoltaic Field

SECTION V. This ordinance shall take effect upon passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.