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The LAND EVIDENCE RECORDS in the TOWN OF FOSTER
RHODE ISLAND.
TOWN CLERK

Approved: July 23, 2015
Adopted: July 23, 2015
Recorded: August 3, 2015

STATE OF RHODE ISLAND & PROVIDENCE PLANTATIONS
TOWN OF FOSTER

AN ORDINANCE IN AMENDMENT OF AN ORDINANCE ENTITLED "TOWN OF FOSTER ZONING ORDINANCES" ADOPTED JULY 1967 AND LAST AMENDED JUNE 25, 2015.

It is ordained by the Town Council of the Town of Foster (the "Town") that the Zoning Ordinance adopted July 1967, as last amended on June 25, 2015, (Chapter 38 of the Code of Ordinances of the Town of Foster Rhode Island) is hereby amended by specifically adding to the text of ARTICLE VI. SUPPLEMENTARY REGULATIONS with SECTION 23. SOLAR INSTALLATIONS as follows:

Section 23. Solar Installations

A. Definitions:

SOLAR INSTALLATION

A power system used to supply power by converting sunlight into electricity by means of photovoltaics, the harnessing of solar energy to generate thermal energy, or the use of concentrated sunlight to drive a traditional steam turbine.

MINOR SOLAR INSTALLATION

A solar installation designed to primarily service the property on which the solar installation is located with an output of 25kW or less.

MAJOR SOLAR INSTALLATION

A solar installation designed primarily to sell electricity to a utility supplier, or a solar installation with an output exceeding 25kW or exceeding 20% of the net buildable area (i.e. the total area of the applicable lot, minus setbacks, vegetated buffers, and wetlands).

B. MINOR SOLAR INSTALLATION

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

1. Shall meet all applicable zone requirements including but not limited to lighting, setbacks, signage, and height;

2. Shall require a building permit after submission and approval of layout and design. Any memorandum of lease, easement, or utility agreements must also be submitted for review, and shall be recorded in Land Evidence in the Town of Foster upon approval; and

3. Shall be in compliance with RI State Building Code and the RI State Electrical Code.

C. MAJOR SOLAR INSTALLATION.

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

1. Design Standards- Solar installation applications shall include the proposed site layout and any landscape changes, a diagram of electrical components, a description of the major system components to be used, an operation and maintenance plan, a decommission plan,

utility approval, proof of liability insurance, and the contact information for the project contractors. Additional documents may be required by the Planning Board or by the Zoning Board of Review. The Planning Board may waive requirements of the Land Development review process upon written request of the applicant at Pre-Application.

2. Land Evidence- Any memorandum of lease, easement, or utility/distribution agreements shall be submitted with the installation application and shall be recorded in Land Evidence in the Town of Foster after Planning Board and Zoning Board of Review approvals.

3. Setbacks and Height- The installation must meet all height and minimum front, side, and rear yard requirements in the applicable zone, and must additionally maintain a twenty (20) foot vegetated buffer from all adjacent properties and roadways.

4. All installations shall be in compliance with the RI State Building Code and the RI State Electrical Code, and shall be subject to periodic inspections by the Foster Building Official. All relevant installation components must have an UL listing or equivalent.

5. All electrical connection and distribution lines within the installation shall be underground or located entirely within a structure. Electrical equipment between the installation and the utility connection may be above-ground if required by the utility.

6. Security- A fence shall surround the perimeter of the installation of no less than nine (9) feet in height.

7. Emergency Access- Reasonable accessibility for emergency service vehicles shall be required.

8. Signage- No signs are allowed on the security perimeter fencing except for a sign displaying the installation name, address and

emergency contact information, and trespassing/warning/danger signs to ensure the safety of individuals who may come in contact with the installation. No sign shall exceed four (4) square feet in area.

9. Lighting- Externally lit signs are allowed, provided they are oriented such that the light is directed away from any adjacent properties and traffic arteries.

10. Abandonment or Decommissioning- It is the responsibility of the parcel owner to remove all obsolete or unused systems within six (6) months of cessation of operations. Reusable components are to be recycled whenever feasible. A surety bond to cover the cost of removal shall be required, and shall be posted prior to the issuance of any building permits.

D. INCENTIVES

Pursuant to R.I.G.L. § 44-3-21, a property meeting the following criteria shall be exempt from tangible taxation, and such exemption shall be applied for, verified by, and filed with the Town's Tax Assessor:

1. The additional cost or value of any solar installation which is being utilized as a primary or auxiliary power system for the sole purpose of supplying the energy needs of the property on which it is located.

REFERENCES

http://www.energy.ri.gov/efficiency/

https://www.nationalgridus.com/narragansett/business/energyeff/distributed_generation.asp

http://www.seia.org/about/solar-energy/solar-faq

http://www.tax.ri.gov/regulations/salestax/07-36.php

It is further ordained by the Town that the Zoning Ordinance adopted July 1967, as last amended on June 25, 2015, (Chapter 38 of the Code of Ordinances of the Town of Foster Rhode Island) is hereby amended by specifically adding a line in the Use Table ARTICLE IV. ZONE REGULATIONS: SECTION 10. SERVICE INDUSTRIES as follows:

	AR	NC	GBM	MI	R-SC	M
6. Major Solar Installation	S	S	S	S	S	S

Approved & Adopted by the Foster Town Council: 7/23/2015
Date

Authorized Signature: _____
John L. Lewis, Jr., Town Council President