

ORDINANCE NO. 18-XX

AN ORDINANCE IN AMENDMENT OF CHAPTER 21 OF THE CODE OF ORDINANCES, TOWN OF NORTH KINGSTOWN, ENTITLED, “ZONING”

SECTION 1. ARTICLE I. Purposes and Administration. Section 21-22 of the Code of Ordinances, Town of North Kingstown, entitled, “Definitions” is hereby amended by adding the following:

Roof mounted solar energy system means a solar energy system mounted on the roof of a structure, including a principal or accessory structure.

Freestanding solar energy system means a solar energy system that is not attached to a structure and is ground mounted.

Solar energy system means a device to provide for the collection, conversion, storage and distribution of energy derived from solar radiation for space heating or cooling, electricity generation, or water heating.

SECTION 2. ARTICLE III. Article III of the Code of Ordinances, Town of North Kingstown, entitled, “Land Use Table” is hereby amended by adding the following:

Abbreviations:

Y = Yes, use is permitted

N = No, use is prohibited

S = Special use permit is required for use

A = Use is an accessory use

Uses	R R/ R 80	P P	N R/ R 40	V R/ R 20	M F	P V	V L D R	L D R	N B	W B	GB	H B	P B	I O	W V C	P R	W J	G I	L I	W I	O S	PL	Dev. Stand ards
<i>Utilities</i>																							
12. <u>Roof mounted solar energy systems (11)</u>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Y
13. <u>Freestanding solar energy systems (11)</u>	A	A	A	A	A	A	A	A	S	S	S	S	S	S	S	S	S	Y	Y	Y	S	S	Y

(1) Except as permitted under Article 9.

(2) Subject to limitations on the size of uses and structures as stated in Section 21-93, Wickford Village District, general provisions, paragraph (2).

- (3) Sales or rental of kayaks, canoes, or other nonmotorized small craft shall be allowed with a special use permit.
- (4) Any carry-out window shall be located in such a manner that it is accessible only from the property upon which the business is located. No interference with the public right-of-way shall be allowed.
- (5) Operation of a boat brokerage shall be a permitted use.
- (6) Subject to restrictions listed in 21-94.B.
- (7) Minimum lot size shall be 80,000 square feet.
- (8) A special use permit is required to locate a commercial greenhouse or nursery on a residentially zoned parcel that is less than ten acres.
- (9) Development plan review is required before the planning commission unless waived by the administrative officer for good cause shown.
- (10) Hours of operation will take into consideration compatibility of different uses in the area. Hours will not exceed M—F 8:00 a.m.—8:00 p.m., Saturday 9:00 a.m.—5:00 p.m. Waste/grass areas will be identified in transit areas for walking to and from the facility. The premises will be cleaned daily.
- (11) Subject to Sec. 21-323.
- (12) One or more member(s) of a residential cooperative must occupy the property in all residential zoning districts and in WVC, PR, and WJ. If members do not occupy the property, use is not allowed.
- (13) Allowed as accessory in the residential component of the property only. Use prohibited in any non-residential portion of the property.
- (14) The caregiver must occupy the property in residential or mixed use zones. The use must meet the development standards for a home occupation (Section 21-320).

SECTION 3. ARTICLE XII. Miscellaneous Provisions. Section 21-323 of the Code of Ordinances, Town of North Kingstown, entitled, “Solar Energy Systems” is hereby amended by adding the following:

Sec. 21-323. – Solar energy systems.

(a) Purpose and intent. The purpose of this section is to permit and facilitate appropriately-scaled solar energy systems and to establish criteria and development standards that maximize their effectiveness and efficiency.

(b) Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Roof mounted solar energy system means a solar energy system mounted on the roof of a structure, including a principal or accessory structure.

Freestanding solar energy system means a solar energy system that is not attached to a structure and is ground mounted.

Solar energy system means a device to provide for the collection, conversion, storage and distribution of energy derived from solar radiation for space heating or cooling, electricity generation, or water heating.

(c) Roof mounted solar energy systems. Roof mounted solar energy systems are permitted in all zones as accessory uses subject to the following development criteria:

- (1) Roof mounted solar energy systems shall not exceed the height limitations prescribed by the zoning district in which they are located.
 - (2) All roof mounted solar energy systems shall be designed and located to prevent reflective glare toward any adjacent properties.
 - (3) With the exception of the solar panels, all equipment associated with roof mounted solar energy systems, including but not limited to controls, energy storage devices, 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 screened from street view.
- (d) *Freestanding solar energy systems.* If the following development standards can be met, freestanding solar energy systems shall be permitted as accessory uses as indicated within Article III of this chapter, entitled "Land Use Table." Any exceptions to the development standards shall require a special use permit. Freestanding solar energy systems proposed as a principal use within a single-family or multi-family residential zone shall also require a special use permit.
- (1) Any freestanding solar energy system that requires a special use permit pursuant to Article III and section 21-13 shall adhere to the requirements of this section.
 - (2) Properties with freestanding solar energy systems shall provide adequate emergency vehicle access and a minimum of two parking spaces for routine maintenance or monitoring.
 - (3) No individual panel within a freestanding solar energy system installation shall exceed 16 feet in height, as measured from predevelopment lot grade at the location of the panel to its highest point.
 - (4) All panels, equipment and structures included with freestanding solar energy system installations shall meet the setback requirements prescribed by the zoning district in which they are located.
 - (5) a) *Single-family or multi-family zones.* All solar panels and equipment associated with freestanding solar energy systems, including but not limited to controls, energy storage devices, 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 screened with a six-foot tall privacy fence and prevent unauthorized access.
b) *All other zones.* With the exception of solar panels, equipment associated with freestanding solar energy systems, including but not limited to controls, energy storage devices, 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 be screened from street view and prevent unauthorized access.
 - (6) The freestanding solar energy system shall not interfere with the view of, or from, sites of significant public interest such as public parks or national, state or locally designated scenic byways.
 - (7) All freestanding solar energy systems shall be designed and located to prevent reflective glare on any adjacent properties.
 - (8) Electrical lines and connections shall be installed underground to the extent permissible by the utility company.
- (e) *Town-owned property and assets.* Nothing contained within this section shall preclude the Town from operating or leasing any solar energy system on Town-owned properties or assets, subject to the provisions contained within the charter.

(Ord. No. 95-3, § 1, 5-8-1995; Ord. No. 14-03, § 1, 1-16-2014, XXX)

Cross reference— Licenses, permits and miscellaneous business regulations, ch. 9.

Secs. 21-323, 21-324. - Reserved.

SECTION 4. This Ordinance shall take effect upon passage and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

First Read at the Town Council Meeting of November 20, 2017 and referred to the Town Council Meeting of January 8, 2018 for Second Reading and Consideration of Adoption.

Jeannette Alyward
Town Clerk

Proposed amendments 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 such alteration or amendment must be presented for comment in the course of said Public Hearing.

The Town will provide interpreters for the deaf and hard of hearing provided three (3) days notice is provided by calling (401) 268-1552.