STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
THE TOWN OF NORTH SMITHFIELD
AN ORDINANCE OF THE TOWN COUNCIL
AMENDING THE CODE OF ORDINANCES

It is hereby ordained by the Town Council of the Town of North Smithfield as follows:

That the Ordinance, Section 5.7, Ground – mounted solar photovoltaic installations, shall be amended to include and read as follows:

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 areas:

i. The portion of property lying to the north of Iron Mine Hill Road and east of Providence Pike; and

ii. That area within a mile and half of the substations located at 76 Greenville Road and 231 Greenville Road; and

iii. Parcels of at least eighty acres or contiguous ownership with a combined sum of over eighty acres.

iii. iv. If any portion of a lot overlaps into the overlay zone, said lot, in its entirety, shall be considered part of the overlay zone.

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.

d.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 taxes 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.) Development Incentives 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.
e.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.

e.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. shall not apply. The Planning Board may provide a waiver of the requirements of Section 5.7, as requested.

g.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.

h.i. Effective Date: This Ordinance shall take effect upon passage.
Posted Date:__________________________________________

First Reading:__________________________________________

Second Reading:__________________________________________

Approved by the Town Administrator:________________________