

DRAFT AMENDMENTS TO
THE CITY OF WARWICK
ZONING ORDINANCE

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Sec. 200. Definitions.

Direct Benefit, Energy. A substantial tangible benefit afforded to the City, as determined by the City Council, as part of the Solar Energy System (SES) and Energy Storage Facilities process per Sec. 314 including, but not limited to, the dedication of land to the City with a minimum area equivalent to the SES or Energy Storage Facility footprint, providing a conservation easement that restricts future development rights on the parcel once an SES or Energy Storage Facility is decommissioned in accordance with Section 314.2 A(18); direct monetary compensation to the City placed in a restricted account for the acquisition and or enhancement of City open space ; or other similar proposals that provide a substantial long term benefit to the entire community including, but not limited to, the immediate abutters to the proposed SES or Energy Storage Facility development.

Energy storage facility. Facilities and structures for the storage of energy and the charging and discharging of power. Such facilities may include, but not be limited to, electrochemical storage batteries, battery chargers, controls, power conditioning systems, and associated electrical equipment designed to provide electrical power to a building or to a utility grid. The facility is typically used to provide standby or emergency power, an uninterruptible power supply, load shedding, load sharing or similar capabilities.

Energy storage facility, accessory. An energy storage facility as defined herein that is incidental and subordinate to the principal use(s) of a property and does not exceed more than ten percent (10%) of the total footprint of the principal use or structure on the parcel. When the principal use is a solar energy system or similar principal use, the total footprint includes all access aisles and area necessary to maintain the system.

Energy storage facility, principal. An energy storage facility as defined herein that is the principal use of a property and/or larger than the definition of an accessory energy storage facility.

Remediated and restricted contamination site. A property (1) that has been identified and confirmed by RIDEM as having contained a hazardous material contamination; (2) on which remediation activities were conducted to the satisfaction of RIDEM as documented within a “Letter of Compliance” or an “Interim Letter of Compliance,” and (3) for which RIDEM has required the use of the property to be restricted through an Environmental Land Use Restriction.

Solar canopy. A ground-mounted solar energy system constructed over an existing or proposed parking area, walkway, pedestrian plaza, or similar area, as determined by the Building Official, that provides substantial benefits from shade and protection from other climatic conditions. Any

solar canopy that does not exceed the total footprint area of a principal use occupied structure on the parcel shall be considered an accessory solar energy system. All other other solar canopies shall be considered a principal solar energy system.

Solar energy system (SES). 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.

Solar energy system, accessory. A solar energy system that is incidental and subordinate to the principal use(s) of the parcel or development, as further defined in including the following:

- (a) Roof or building-mounted energy generating panels;
- (b) Ground-mounted solar energy systems, including solar canopies, that do not exceed the total footprint area of a principal use occupied structure on the parcel, inclusive of all area within the required fencing for the system

Accessory SES is subject to all requirements outlined in Section 601.

Solar energy system, contaminated site. A principal solar energy system in which a majority of the SES is located on a remediated and restricted contamination site pending remediation or a remediated and restricted site in accordance with RIDEM Rules and Regulations.

Solar energy system, ground-mounted. A solar energy system, including a solar canopy, that has a support structure fixed or secured to the ground through the use of structural footings, ballasts, or other similar devices approved by the Building Official.

Solar energy system, principal. A solar energy system as defined herein that is the principal use of a property, and/or where a solar energy system is larger than the definition of an accessory solar energy system.

Solar energy system, roof- or building-mounted. An active solar energy system that is structurally mounted to, structurally ballasted, or integrated into the design of the roof or any other architectural aspect of a building or structure.

Structure, principal use occupied. A residential or commercial structure, or grouping of approved principal use structures, that have a minimum of 75% of the total gross floor area occupied and actively in use as designed, arranged, or intended, and has a valid certificate of occupancy issued by the Building Official.

ARTICLE 3: USE REGULATIONS

Sec. 300 – Establishment and Classification of Districts.

302.9 Overlay District – Principal Solar Energy System (SES) and Energy Storage Facilities. Properties mapped in accordance with subsection 303 of this ordinance and so designated to provide for Principal Solar Energy Systems and/or Energy Storage Facilities. No Overlay District is required for accessory solar energy systems or accessory energy storage facilities.

Table 1. Use Regulations

Revise the use regulations as follows:

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Table 1. Use Regulations

[Note: Revise the use regulations as follows]

	Zoning Districts	OS	A-40	A-15	A-10	A-7	O	WB	GB	LI	GI	Inter-modal	Gate-way	Village District
600	Transportation, communication and utility uses:													

612	Principal Solar Energy System	No ²⁷	No ²⁷	No ²⁷	No ²⁷	No ²⁷	No ²⁷	No	No ²⁷	Yes	Yes	No	No	No
613	Principal Energy Storage Facility ²⁷	No ²⁷	No ²⁸	No ²⁸	No ²⁸	No ²⁸	No ²⁸	No	No ²⁸	Yes	Yes	No	No	No

²⁷ Eligible for overlay designation on City owned properties, or when the SES provides a direct benefit (as defined in Section 200), or if a majority of the SES is located on a contaminated site, (as defined in Sec. 200), subject to all the requirements of subsection 314.

²⁸ Eligible for overlay designation, subject to all the requirements of subsection 314.

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305. Administrative procedure for overlay districts.

The administrative procedures described in this subsection apply to the following overlay districts. Flood hazard, historic overlay, watershed protection and groundwater protection overlay districts are described in subsections 310 and [through] 313, respectively:

Institutional-health care (IH), subsection 306.

Institutional-educational (IE), subsection 307.

Planned district residential (PDR) and planned district residential - limited (PDR-L), subsection 308.

Planned unit development (PUD), subsection 309.

Principal Solar Energy System (SES) and Energy Storage Facilities, subsection 314.

For the purposes of this subsection, all references to "overlay districts" shall specifically include only the five overlay districts listed above.

305.1. *Administrative procedure.* Overlay districts may be enacted by the city council following full compliance with this subsection.

(A) *Preapplication conference.* The applicant for an overlay district is required to submit written and graphic descriptions of his/her proposed development to the department of city plan. An aerial overlay plan shall be provided that includes:

1. Approximate property boundaries and zoning of the parcel and all abutting parcels.
2. The location and areas of all open spaces, recreational areas, and parking spaces.
3. All buildings located on the subject parcels and directly abutting parcels.
4. General site topography. Indicate major slopes, shifts in grade, berms, or other significant topographic site features.
5. Approximate edge delineation of areas of environmental concern such as wetlands, floodplains, coastal buffers, etc.
6. General limits of vegetated vs. non-vegetated (cleared) areas with associated area calculations.
7. For Solar Energy Systems, the limits of all areas on the proposed development site that have been substantially cleared of vegetation in the past 5 years based on an assessment of recent aerial photography.
8. Scale, north arrow, and content references.

The preapplication conference is intended to allow the department to:

1. Acquaint the applicant with the comprehensive plan and any specific plans that apply to the site, as well as this and other ordinances that affect the proposed development;
 2. Suggest improvements to the proposed design on the basis of a review of the sketch plan;
 3. Advise the applicant to consult appropriate authorities on the character and placement of public utility services;
 4. Help the applicant to understand the steps to be taken to receive approval; and
 5. Verify whether a site qualifies for an overlay designation.
- (B) *Application for Overlay Zoning Review and Decision.* Any amendment to this zoning ordinance by which an overlay district would be established shall be subject to the following:
1. The application may be considered and/or enacted by the city council only after a development plan, prepared in accordance with the city's standard checklist, has been received and given a recommendation by the planning board per Section 502 of the Zoning Ordinance. and R.I.G.L. § 45-24-49(a).
 2. Pursuant to R.I.G.L. § 45-24-51, the planning board shall make a recommendation to the city council. In addition to the documentation required by R.I.G.L. § 45-24-52, the planning board shall reference the development plans attached to its recommendation and any alterations to the plan that are part of the recommendation to city council. These development plans and any associated alterations shall be considered part of the application to city council.
 3. Pursuant to R.I.G.L. § 45-24-51, the city council shall hold a public hearing and render a decision, ensuring proper notice as prescribed in R.I.G.L. § 45-24-53. The provisions of this section pertaining to deadlines shall not be construed to apply to any extension consented to by an applicant.
 4. In order for an overlay district to be established, the city council must amend the "zoning plat" as defined in subsections 303 and 1007 of this ordinance.
 5. The city council's written decision shall be filed with the city clerk along with all supporting materials including, but not limited to, the development plan and any approved amendments thereto.
- (C) *Permit review.* After a change of zone by the city council, the applicant must submit for approval under the permitting processes applicable to the proposed use/activity (e.g., DPR, major land development, etc.) as set forth in the Zoning Ordinance and the planning board regulations.
1. Upon receipt of the development application, the administrative officer shall review the development plan to determine whether it is substantially in conformity with the development plan on file with the city council decision for a zone change.
 2. The administrative officer shall notify the permitting authority in writing whether the development plan is in substantial conformity with the development plan on file with the city council decision.
 3. Where the development plan is deemed to be not in substantial conformity, applicants must resubmit the application for a change of zone by the city council.

(D) *Change of approved development plan.* Applicants wishing to make changes to an approved development plan shall do so in accordance with the procedures associated with the applicable permitting process (e.g., DPR, Land development review, etc.).

(E) *Duration of approval.* Any amendment to this zoning ordinance by which an overlay district is established may be repealed by the city council in accordance with the following:

1. The amendment may be repealed after five years from the date of its enactment where the city council finds that no building permits related to the development plans associated with the zone change have been issued.
2. The action to repeal shall be in accordance with subsection 1007 of this ordinance. Where an overlay district has been repealed, the most recently adopted zoning ordinance provisions for the underlying area shall govern.

305.2. *Content of site plan.* Site plans shall be submitted in accordance with the City’s development review regulations and associated checklists.

(Ord. No. O-10-19, § I, 10-19-10)

Sec. 314 Solar Energy Systems (SES) and Energy Storage Facilities

A. The purpose of this section is to regulate the installation of solar energy systems and energy storage facilities by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such systems. These standards are intended to ensure that solar energy systems and energy storage facilities are compatible with the surrounding area, provide for public safety, and minimize impacts on scenic, natural, and historic resources. The provisions of this section shall apply, as specified herein, to construction, operation, and/or repair of solar energy system and energy storage facilities installation in the city.

B. Solar Energy Systems (SES) and Energy Storage Facilities defined and regulated by the City of Warwick include:

Principal Uses	Accessory Uses
Principal SES	Accessory SES
Contaminated Site SES	Solar Canopy, Accessory

Solar Canopy, Principal	Energy Storage Facility, Accessory
Energy Storage Facility, Principal	

314.1 Permit Review.

In addition to any review performed as part of establishing an SES overlay district (per Sec. 305 as relevant), or where an SES is already allowed in an established district, these shall be reviewed in accordance with the following:

Type of Use	Review Type
Principal	
Principal SES	Major Land Development
Solar Canopy, Principal	Administrative DPR
Contaminated Site SES	Administrative DPR
Energy Storage Facility, Principal	Administrative DPR
Accessory	
Accessory SES	Building Official

Energy Storage Facility, Accessory	Building Official
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The petitioner shall submit a development plan that shall provide all necessary information to demonstrate compliance with the applicable performance standards of **Sec. 314.2.**

The findings and decision of the administrative officer or the Planning Board shall be retained as part of the permanent record of decision and a building permit shall not be issued until an approval letter is provided to the building official by the administrative officer.

314.2. Performance standards for Solar Energy Systems (SES) and Energy Storage Facilities.

A. Performance standards for principal SES and energy storage facilities.

Note: principal solar canopies are also subject to the performance standards of **Sec. 314.2.C.**

1. Setbacks.

- a. All solar energy systems and storage facilities will follow the setback requirements in the table below. The City shall make the final determination on the setback required within the ranges provided.
- b. Required setbacks will be measured from the edge of the SES or Energy Storage Facility, including any perimeter fencing.

Location	Minimum/ Maximum Setback from property lines
Located in any zoning district and bordering GI or LI	25 FT/ 50FT
Located in any zoning district and bordering any district other than GI or LI	50 FT/400 FT

- c. Final setbacks shall be determined by the Administrative Officer, in consultation with the City’s Landscape Coordinator, at the pre-application stage, after reviewing the site layout plan and details of proposed equipment; visiting the project site; taking into consideration site topography, existing vegetation and abutting land uses; and analyzing cross sections, elevations, and other visual assessments provided by the Applicant.

- d. Setbacks may be revised in future phases after review of the Planning Board and public comment/ concerns are taken into consideration.

2. *Height.*

- a. The maximum height of a ground-mounted solar energy system or energy storage facility will be 12 feet.
- b. The height will be measured from the average surrounding grade of the system's pedestal to the highest point of the solar energy system or facility, including the top of any support structure or panel.

3. *Glare.*

- a. All solar energy systems shall be designed and located to prevent reflective glare toward any inhabited buildings on adjacent properties.
- b. Glare generated from solar panels shall not interfere with traffic or create a safety hazard.
- c. A glare study may be required by the Administrative Officer, Building Official, or Planning Board to determine if glare will impact abutting properties, structures, or airport operations.

4. *Noise.*

- a. Systems shall maintain a noise level at or below 55dB and there shall be no greater than a 3dB change in amplitude (the minimum audible difference perceptible to the average person) measured along the entirety of any property line which abuts an existing residential zone or open space.
- b. If necessary, and at the request of the City, the Applicant shall be responsible to fund and submit a noise study, conducted by an environmental professional, measuring pre-background sound with the post construction as-built conditions that illustrate adherence with this stipulation. Said study shall be submitted to the Building Inspector and Administrative Officer to the Planning Board within 90 days of the City's request.

5. *Access and safety.*

- a. The solar energy system or facility shall have adequate and permanent access from a city-accepted roadway or state highway.
- b. Reasonable accessibility for emergency service vehicles is required, and a means of shutting down the solar energy system or facility connection to any utility provider interconnection shall be clearly and sufficiently marked.
- c. A public safety preparedness and response plan detailing the standards, procedures, and communication protocol to be utilized for the system and in the event of an emergency shall be provided to the City's Emergency Management Agency Director, and documentation indicating that the plan has been distributed to the Fire Department.

6. *Site Contamination.*

- a. For contaminated solar energy systems, the site shall be remediated to a state where site work and the eventual construction of an SES is appropriate as confirmed by the Rhode Island Department of Environmental Management.

7. *Site Preparation and Ground Cover.*

- a. No substantial clearing or grading of the proposed project site shall have occurred within five (5) years of the application for development based on a review of aerial photography by the Administrative Officer.
 - i. If it is determined by the Administrative Officer that substantial clearing occurred within five (5) years of the application date, the Applicant shall pay a supplemental application fee based on the amount of site clearing that occurred within the footprint of the proposed system, as determined by the Landscape Coordinator. This additional fee will be deposited in a restricted account to be used for reforestation either at the project site or elsewhere in the City.
 - ii. Alternatively, the Administrative Officer may require the applicant to reduce the footprint of the proposed system, and/or reforest a portion of the property equivalent to the cleared area.
- b. Clearing of non-invasive vegetation shall be limited to what is necessary for the construction and operation of the SES or energy storage facility.
- c. Topsoil will not be removed from the site. Topsoil will not be disturbed except as required for installation of the system or facility.
- d. Wildflower pollinators and native grasses shall be utilized for the ground cover under and around SES or energy storage facility equipment to the extent practicable except where systems or facilities are built on previously paved sites or where solar canopies are built over parking areas.
- e. Gravel, crushed stone or the like may be used on primary travel ways or to prevent weed growth in the direct vicinity of transformers or energy storage equipment. Access aisles between sets of panels shall not be considered primary travel ways. The site shall be maintained against invasive species over the life of the SES or energy storage facility.

8. *Utilities.*

- a. Utility connections for solar canopies shall be placed underground to the maximum extent feasible.
- b. All utility connections from the system shall be placed underground at a minimum between the right of way and the interior (development site side) screening or in other areas where wires may pose a visual or physical nuisance as determined by the Building Official and/or Administrative Officer.
- c. If physically necessary, a riser pole may be constructed within a required screening area in order to connect the underground line to the nearest existing overhead line.

9. Screening and Buffering Plan.

- a. A screening and buffering plan prepared and stamped by a Rhode Island licensed landscape architect and submitted to the Administrative Officer.
- b. During the pre-application stage the applicant's landscape architect shall work with the Administrative Officer and the City's Landscape Coordinator to develop a screening plan for all setback areas. Screening plans shall be developed with consideration of the following:
 - i. A combination of natural vegetation, berms, fencing, walls, and other similar features shall be used to visually buffer the system(s) from the view of abutting properties, as well as mitigate noise, glare, or other potential nuisance.
 - ii. Healthy, non-invasive trees shall be preserved to the extent practicable. Removal of isolated trees that are unusually tall or unhealthy may be allowed where the applicant can show maintaining the tree will obstruct solar access, is in significant decline, or will adversely impact the operation of the system.
 - iii. Where existing vegetation provides little to no visual screening, applicants may be required to install dense, layered evergreen plantings to supplement existing vegetation and create opaque screening from neighboring properties and rights of way.
 - iv. Earthen berms may be used in addition to natural vegetation or plantings, but are typically not acceptable buffers on their own.
 - v. When feasible, the natural topography of the site should be used to achieve screening objectives in combination with existing and/or proposed vegetation.

10. Fencing.

- a. Principal solar energy systems (except solar canopies) and energy storage facilities, including all associated equipment, will be enclosed by a perimeter fence that meets building code requirements.
- b. Fencing shall incorporate wildlife passage features in its design and installation.
- c. Perimeter fencing shall be secured from unauthorized entry.
- d. Fencing shall be solid in appearance, such as chain link with slats or wood stockade.
- e. Ornamental fencing may be required by the Administrative Officer in areas that are visible from a right of way or residentially zoned properties.

11. Signage.

- a. A sign shall be posted at the entry of the SES (except for solar canopies) or energy storage facility, displaying the name of the owner and operator of the system and a twenty-four (24) hour emergency contact number.

- b. In areas where an SES abuts a right of way, an interpretive sign shall be provided. Final size, verbiage, and location shall be coordinated with the Administrative Officer.
- c. All signage shall comply with Sec. 800, Signs.

12. Lighting.

- a. Lighting shall be limited to that required for safety and operational purposes. All site lighting shall be directed downward and incorporate full cut-off fixtures to reduce light pollution and minimize glare to abutting properties.
- b. Solar canopies built over parking areas or pathways may have lighting integrated into the canopy for vehicular/ pedestrian safety.

13. Utility Notification.

- a. No installation of a SES or energy storage facility (whether located indoors or outdoors) shall commence, and no interconnection shall take place until evidence has been given that the electric utility company that operates the electrical grid where the system or facility is to be located has been informed of the customer's intent to install an interconnected customer-owned system or facility.

14. System Maintenance.

- a. The SES or energy storage facility will be maintained by its owner and/or operator and will be cleared of debris, weeds, trash, etc.
- b. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. The equipment will remain in good repair and working order. Malfunctioning or inoperable equipment will be removed from the property.
- c. Screening and buffering, including ground cover around and below panels, shall be maintained properly on a continuous and regular schedule. The Building Official may require the replanting of any dead or declining screening vegetation throughout the life of the project.

15. Decommissioning Agreement and Financial Surety.

- a. Before receiving development approval, owners or operators of a principal SES or energy storage facility must develop a decommissioning plan with accompanying estimate and establish an escrow account to provide surety for the removal of system infrastructure in the event the owner/ operator fails to decommission the system as outlined in **Sec. 314.2.18.**
- b. A registered engineer experienced with the design and decommissioning of solar energy systems shall provide an estimate of all costs and revenues associated with removal of the SES and accompanying remediation.
- c. The decommissioning estimate shall include all expenses required to restore the site as closely as feasible to its pre-development condition. At a minimum, the estimates

for the removal of all SES structures and equipment related to the system or facility, any fees related to disposal or disconnection, and grading and seeding of disturbed areas shall be included.

- d. Revenues used to offset decommissioning expenses may include seventy five percent (75%) of the current salvage value of metals and other materials likely to be recycled. Other revenue may be included upon authorization of the Building Official.
- e. The City may engage the services of a qualified engineer, at the applicant's expense, to independently verify the projected decommissioning expenses and revenues.
- f. Once the decommissioning estimate is approved by the city, the applicant shall draft a decommissioning agreement and establish an escrow account for the deposit of the surety funds.
- g. Funds must be deposited into the escrow by an authorized agent. The escrow agent and/or applicant shall provide documentation verifying that funds are properly held in escrow for purposes of decommissioning to the Building Official prior to receiving a building permit.
- h. Verification of escrow funds must be provided annually by January 31st of each year of operation.
- i. Failure to maintain sufficient funds in escrow, or failure to provide annual reports as required, are considered a zoning violation and shall be enforced by the Building Official in accordance with City Ordinance.

16. Notification of Decommissioning or Use Continuance

- a. Twenty (20) years from the date the final decision letter and plans are recorded (or as otherwise stipulated in the land development approval) the applicant, owner/operator of the system or facility or land owner shall notify the Building Official and the City Planning Director in writing of their intent to either decommission the system or facility or continue its use.
- b. If the applicant, owner/operator of the system or facility or land owner intends to continue utilizing the system or facility for electric generation, they must provide a new decommissioning study for the existing system or facility in accordance with Section 314.2.A.15.
- c. The updated decommissioning report must provide an analysis of the existing system or facility and update the estimate related to its decommissioning.
- d. After consulting with the City Planning Director, the Building Official may allow continued use of the system or facility provided any additional funds required to decommission it are provided in escrow and the Building Official determines that the system or facility has been operating in conformance with all prior stipulations and approvals.
- e. As a condition of continuing the use, the Building Official may require the applicant to supplement or replace landscaping, repair or replace fencing, and/or provide similar updates/ improvements.

17. Abandonment

- a. A principal SES shall be considered abandoned when one or more of the following occurs:
 - i. Use of the solar panels and relevant infrastructure has ceased;
 - ii. The solar array is no longer transmitting electricity for offsite use;
 - iii. The solar array is in such disrepair that it is no longer providing useful production of electricity; or
 - iv. The applicant, owner/operator of the system or facility or land owner fails to notify the Building Official of their intent to continue use of the system or facility, and provide an updated decommissioning study and escrow funds, as stipulated in **Section 314.2.A.16**
- b. A principal SES or energy storage facility that has been abandoned shall be removed in accordance with **Section 314.2.A.18**.

18. Decommissioning

- a. The owner or operator shall physically remove the SES or energy storage facility no more than six (6) months after the date of abandonment.
- b. In the event the system or facility is not properly decommissioned six (6) months after the system or facility reaches the end of its useful life, or abandonment, the City will have the right to enter the property and utilize escrow funds to properly decommission the system or facility.
- c. If the cost of decommissioning the system or facility exceeds the actual amount held in escrow, the applicant, operator, and/or land owner will be liable for any remaining balance and will be subject to fines for non-compliance with plan approval stipulations. Fines will be imposed by the City Building Official as outlined in City Ordinance.

Deforestation. The Planning Board is authorized by Sec. 6.3 (Mitigation of Negative Impacts) of the City's Development Review Regulations to "mitigate negative impacts of a . . . development project" or require a fee in lieu. The City of Warwick has a limited amount of forested land remaining. As stated above in Sec. 314.C, "Clearing of forest, woodland or wetland habitat shall be avoided and minimized to the greatest extent practicable as determined by the Planning Board and City Council." Any principal solar energy system that proposes to clear any extant forest, woodland or wetland habitat shall be considered a "negative impact" subject to the standards of Sec. 6.3 of the City's Development Review Regulations. The Planning Board, in determining appropriate mitigating activities or fees in lieu, shall consider options including: the dedication to the City of all or a portion of the property on which the principal solar energy facility is constructed after the facility is decommissioned; planting of new trees with a comparable carbon sequestration capacity as any cleared forest or woodland, either onsite or at an offsite location approved by the Planning Board; and/or a fee in lieu based on the estimated costs of these mitigating activities.

601.1. *Accessory building and uses, residential.* Accessory buildings and uses, including private garages, in a residence district are permitted which:

- (A) Are clearly incidental to and customarily associated with the principal use.
- (B) Are operated and maintained under the same ownership and on the same lot as the principal use.
- (C) Do not exceed 20 feet in height for detached buildings and solar canopies, or 12 feet in height for ground mounted solar panels.
- (D) Do not contain any dwelling units.

Refer to Section 601.10 for standards for accessory SES and energy storage facilities.

601.10. *Accessory Solar Energy Systems (SES) and energy storage facilities.* Accessory SES or energy storage facilities shall require a building permit and are subject to the following requirements:

- (A) Roof- or building-mounted SES must not increase the footprint of the structure.
- (B) Ground Mounted Accessory SES, solar canopies, and energy storage facilities in residential zones shall comply with all operating standards outlined under Section 604 and the following requirements:
 - (1) *Location.* The system shall be located within rear and/or side yard setbacks as provided in subsection 601.2.
 - (2) *Color and materials.* Solar panels shall be neutral in color and shall be constructed of materials which minimize impact to surrounding properties.
 - (3) *Screening.* The building official may require all, or a portion, of the SES or energy storage facility, be screened with a solid fence, wall, evergreen hedge, or similar element if he/she determines that the system poses a visual, noise, or other similar nuisance to abutting properties.
- (C) Ground Mounted Accessory SES, solar canopies, and energy storage facilities in non-residential zones shall comply with all operating standards outlined under Section 604 and with the following requirements:
 - (1) *Location.* The system shall be located in accordance with subsection 601.8. Solar canopies located in the front of a building shall not visually or physically obstruct access to the main entrance, windows, signage, pedestrian pathways, etc.

- (2) *Color and materials.* Solar canopies located in the front of a building, or to the side of a building and visible from a public way, shall be visually and architecturally compatible with the building, in terms of color, lighting, and basic form. Where appropriate, integrated artwork, trim additions, or other such design features shall be used to improve compatibility. Ground level casings, conduits, and other electronics shall be given similar treatment as the main structures of the solar canopies.
- (3) *Buffer from Public Way.* All permit applications for systems located within viewshed of a public right of way or front yard area shall be accompanied by a landscape plan that utilizes plantings, fencing, walls, or combination thereof to reduce visual nuisance, improve the overall aesthetic along the right of way, and buffer panels where deemed necessary by the building official or city landscape coordinator.
- (4) *Screening.* The building official may require all, or a portion, of the SES or energy storage facility, be screened with a solid fence, wall, evergreen hedge, or similar element if he/she determines that the system poses a visual, noise, or other similar nuisance to abutting properties.