

## § 400 - Definitions

**GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION.** A solar photovoltaic system, consisting of panels, support structures, and other equipment which is structurally mounted on the ground and is not roof-mounted, and is used to convert solar energy to electricity, including but not limited to supplying electricity to the local grid or directly to a commercial or residential consumer(s). A carport or canopy constructed over a parking lot, driveway or walkway, and which supports solar photovoltaic panels shall be considered a ground-mounted solar photovoltaic installation.

## § 725 GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION.

(A) *Any Zoning District.* A ground-mounted solar photovoltaic installation in any zoning district shall comply with the following:

- (1) ~~(1)~~ A ground-mounted solar photovoltaic installation shall be subject to Development Plan Review as described in § 305.
- (2) In addition to the submission requirement for Development Plan Review (§ 305), ground-mounted solar photovoltaic installations must submit documentation from the appropriate public utility indicating preliminary approval for proposed interconnections if connections are proposed.
- ~~(1)~~(3) Except for panels mounted on carports or canopies, No individual panel within a ground-mounted solar photovoltaic installation shall exceed 12 feet in height, as measured from pre-development lot grade at the location of the panel. A carport or canopy used to support solar photovoltaic panels is subject to the maximum height limit for an accessory building in the subject zoning district as defined in §604.
- (4) ~~(3)~~ All panels and other equipment and structures that are part to the installation shall be setback a minimum of 25 feet from all property lines.
- ~~(2)~~(5) The design shall incorporate landscaping and design elements to visually screen the installation from view from public roads and adjoining properties to the greatest practical extent. The installation shall be surrounded by visual screening, consisting of fencing, dense vegetation, or a combination of both, that is a minimum of six feet in height at the time of installation. The required vegetated buffer/screening shall be maintained for the life of the solar photovoltaic installation. The property owner and/or facility owner shall be required to replant any section of the buffer/screening found not to meet the requirements of this section as determined by the zoning official in consultation with the town planner.
- ~~(3)~~(6) Electrical lines and connections shall be installed underground.
- ~~(4)~~(7) A ground-mounted solar photovoltaic installation shall not be subject to the maximum percentage of lot to be occupied by buildings as applied in § 603. The total land area dedicated to a solar photovoltaic installation shall not exceed 50% of developable land area of the parcel on which it is located. Such land area shall include land located within the fenced area of the installation as well as land used for access roads and utilities exclusively serving the installation. In the case of solar carports/canopies the calculation shall be based on total roof area of the carports/canopies. Any subsequent subdivision of the subject parcel shall ensure continued compliance with this requirement.

(8) A ground-mounted solar photovoltaic installation shall be designed to prevent unauthorized access to panels and equipment, such as by use of ,including, but not necessarily limited to protective fencing, locked equipment shelters, and other means as appropriate.-

(9) Where the proposed development parcel includes or is directly adjacent to wetlands, any fencing must provide a minimum of 6-inches of ground clearance to allow for the appropriate movement of wildlife.

(10) Vegetation planted under solar panels must include native wildflower or grasses seed mix, except for in canopy or carport installations.

(5)(11) Adequate emergency vehicle access to and throughout the installation shall be provided, subject to approval of the Middletown Fire Department.

(B) *Additional requirements in residential districts.* A ground-mounted solar photovoltaic installation located in any residential zoning district shall comply with the following additional requirements:

(1) —(1) Development of solar photovoltaic installations is encouraged in commercial areas, on previously developed sites and brownfields, rather than in residential areas, on farmland or wooded areas, and areas with prime agricultural soils. As such, in residential districts the total land area dedicated to a solar photovoltaic installation shall not exceed 25% of developable land area of the parcel. Such land area shall include land located within the fenced area of the installation as well as land used for access roads and utilities exclusively serving the installation. In the case of solar carports/canopies the calculation shall be based on total roof area of the carports/canopies. Any subsequent subdivision of the subject parcel shall ensure continued compliance with this requirement.

(2) In lieu of the building lot coverage requirements of § 603, the total surface area of solar panels installed in residential districts shall not exceed 25% of lot area.

(3) No removal of topsoil or unnecessary disturbance of the ground or grading is permitted as part of the installation or maintenance. Any topsoil that must be moved shall be stored and stabilized on-site for future use.

(2)(4) Siting of the facility and individual panels shall maintain the existing contours of the land, and only pile driven or ballast block footing are to be used, so as to minimize the disturbance of soils during installation.

(5) Except in the residential multi-family (RM) zoning district, ground-mounted solar photovoltaic installations using carports or canopies to support solar photovoltaic panels are prohibited in residential districts.

(C) An abandoned ground-mounted solar photovoltaic installation and all associated structures and components, shall be physically removed from the site within 90 days from cessation of operation, and the property shall be restored to predevelopment condition. If the owner fails to remove the installation in accordance with the requirements of this section, the town shall have the authority to enter the property and physically remove the installation and restore the property. In that case, the owner of the property shall be responsible for all costs incurred by the town, and the obligation shall be recorded in the Land Evidence Records as a lien against the property.

(Ord. 2012-4, passed 5-21-12; Am. Ord. 2012-16, passed 9-17-12)