

Part I, Administrative Legislation
Chapter 1
Article IV. Emergency Ordinances

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
THE TOWN OF GLOCESTER

**Section 1-30. GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION
MORATORIUM ORDINANCE**

**IT IS ORDAINED BY THE TOWN COUNCIL OF GLOCESTER, RHODE ISLAND, AS
FOLLOWS:**

That the Town of Glocester (“Town”) adopts a “Ground Mounted Solar Photovoltaic Installation Moratorium Ordinance” as follows:

FOR THE PURPOSES of this Ground Mounted Solar Photovoltaic Installation Moratorium Ordinance, a “ground–mounted solar photovoltaic installation” shall mean the use of a parcel of land for production and sale and/or distribution of electricity by collecting energy produced by the sun in ground mounted structures. Said structures shall be specifically designed to use ground-mounted supports upon which the solar collectors are mounted.

WHEREAS, areas of the Town are under threat of development pressure from ground–mounted solar photovoltaic installations; and

WHEREAS, there is a strong likelihood that all areas of the Town may be subjected to this development pressure due to the amount of undeveloped land and the demand for such ground–mounted solar photovoltaic installations; and

WHEREAS, it is anticipated that the Town may receive a number of applications for ground–mounted solar photovoltaic installations in the near future that if approved, may be incompatible with residential and other land uses; and

WHEREAS, the existing ordinances and zoning regulations do not adequately regulate development of ground–mounted solar photovoltaic installations in a manner that will ensure compatibility with other land uses; and

WHEREAS, the potential unregulated location of ground–mounted solar photovoltaic installations in the Town raises legitimate and substantial questions about the impact of such development on the Town, including questions of the compatibility of ground–mounted solar photovoltaic installations with existing uses and developments in agricultural, residential and other zoning districts; the adequacy of streets to handle additional construction traffic associated with ground–mounted solar photovoltaic installations; the potential adverse health, safety and welfare effects of ground–mounted solar photovoltaic installations on the community if not

properly regulated, including, without limitation, aesthetic impacts and potential impacts on residential and other property values; and

WHEREAS, the development of such ground-mounted solar photovoltaic installations could pose serious threats to the public health, safety and welfare of the residents of Gloucester through the overdevelopment of parts of Town with such ground-mounted solar photovoltaic installations without adequate provisions for issues of safety, land-use compatibility, and preventing significant tree cutting because of the important water management, cooling and climate benefits that trees provide; and

WHEREAS, there is a current and immediate threat to the public health, safety and welfare if permits or entitlements for construction of ground-mounted solar photovoltaic installations are issued and such permits or entitlements may result in ground-mounted solar photovoltaic installations that would conflict with amendments to the Town ordinances and zoning regulations that may be adopted as a result of the study that is to be undertaken; and

WHEREAS, the Town will need at least one hundred and eighty (180) days to study its own ordinances and zoning regulations to determine the implications of future proposed ground-mounted solar photovoltaic installations and to develop reasonable ordinances and zoning regulations or amendments thereto governing the location and operations of such ground-mounted solar photovoltaic installations to address the concerns cited above; and

WHEREAS, the Town's current ordinances and other applicable laws, if any, are not adequate to prevent serious public harm possibly to be caused by the development of additional ground-mounted solar photovoltaic installations in Gloucester, thereby necessitating a moratorium; and

WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of ground-mounted solar photovoltaic installations being located in the Town; and

WHEREAS, the Town Council hereby declares that these facts create an emergency pursuant to the Article V, Sec. 10(5) of the Home Rule Charter of the Town of Gloucester and requires the adoption of this Ground Mounted Solar Photovoltaic Installation Moratorium Ordinance as immediately necessary for the preservation of the public health, safety and welfare.

NOW, THEREFORE, IT IS ORDAINED that a Ground Mounted Solar Photovoltaic Installation Moratorium Ordinance is hereby adopted imposing a moratorium on all ground-mounted solar photovoltaic installations that have a nameplate capacity of 26 kilowatts direct current (kWDC) or greater, which moratorium shall be effective immediately upon passage, and applicable to the maximum extent permitted by law and subject to the severability clause below, to all proceedings, applications and petitions not vested (RIGL 45-24-44; Town of Gloucester Zoning Ordinance Sec. 350(10)(B) as of June 7, 2018, and on any new construction or use, requiring approval under the terms of the Town's land-use ordinances and regulations for such Town until the effective date of the necessary amendments to the land-use ordinances or regulations or until December 7, 2018 and may be revisited prior to expiration and extended to

such date as may be established by ordinance;

BE IT FURTHER ORDAINED that the Planning Board, Zoning Board of Review, Board of Appeal, Code Enforcement Officer, all Town agencies and all Town employees shall neither accept, process, approve, deny, or in any way act upon any applications, plans, permits, licenses and/or fees for any construction or uses governed by this Ground Mounted Solar Photovoltaic Installation Moratorium Ordinance for such ground-mounted solar photovoltaic installations that have a nameplate capacity of 26 kilowatts direct current (kWDC) or greater for said period of time;

BE IT FURTHER ORDAINED that those provisions of the Town's land-use ordinances and land development and subdivision regulations which are inconsistent or conflicting with the provisions of this Ground Mounted Solar Photovoltaic Installation Moratorium Ordinance, are hereby repealed to the extent that they are applicable for the duration of the Ground Mounted Solar Photovoltaic Installation Moratorium Ordinance hereby ordained, but not otherwise;

BE IT FURTHER ORDAINED that to the extent any section or provision of this Ordinance is declared invalid by a court of competent jurisdiction; such declaration shall not invalidate any other section or provision of this Ordinance;

BE IT FURTHER ORDAINED that any amendments to or enactment of a Ground Mounted Solar Photovoltaic Installation Ordinance will require a public hearing by the Town Council, and must be voted upon at a Town Council Meeting or Special Town Council Meeting.

EMERGENCY CLAUSE: In view of the declaration of emergency cited in the preamble, this Ground Mounted Solar Photovoltaic Installation Ordinance shall take effect immediately upon passage by the Town Council and shall apply, to the maximum extent permitted by the law but subject to the severance clause above, to all proceedings, applications and petitions not vested (RIGL 45-24-44; Town of Gloucester Zoning Ordinance Sec. 350 (10)(B) as of June 7, 2018, and shall stand repealed as of effective date of the necessary amendments to the land-use ordinances or regulations or until December 7, 2018 or such date as may be established by ordinance. Pursuant to Article IV, Sec. 10(5) of the Home Rule Charter of the Town of Gloucester, enactments by the Town Council dealing with an emergency may be adopted on the day of introduction without a previous filing with the town clerk, shall contain a declaration of the emergency which declaration shall be conclusive as to the existence of such an emergency, and shall take effect upon their passage.

VESTING CLAUSE: Notwithstanding any provision contained herein to the contrary, any proposal for a Ground Mounted Solar Photovoltaic Installation for which an applicant has submitted the required material for a pre-application meeting and appeared before the Planning Board for a pre-application meeting shall be considered vested and may proceed under applicable regulations presently in effect.

Adopted by the Gloucester Town Council on June 7, 2018.
Effective Date - June 7, 2018

