

**AMENDING THE CODE OF THE CITY OF PITTSFIELD
CHAPTER 23, ZONING**

SECTION I

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-2, Definitions, Section 2.2, Glossary, shall be amended by adding, in the appropriate alphabetical order, the following new definitions:

Accessory Use: A use of a lot that is secondary or supportive of the principal use.

Municipal Solar Systems: A solar energy system owned and operated by the City of Pittsfield or an agent of the City, the electricity which is generated therefrom to be used by the City or the general public.

Photovoltaic System (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

Principal Use: The primary use of a lot, whether it be for solar energy production, residential, commercial, industrial or other uses.

Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

Solar Energy System, Active: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Energy System, Ground-Mounted: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

Solar Energy System, Large-Scale: An Active Solar Energy System that occupies 40,000 or more square feet of area; and/or generates more than 250 kW of DC.

Solar Energy System, Medium-Scale: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of area; and/or generates between 10 – 250 kW DC.

Solar Energy System, Roof-Mounted: An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).

Solar Energy System, Small-Scale: An Active Solar Energy System that occupies 1,750 sq.ft. or less of area; and/or generates less than 10 kW DC.

Solar Hot Water: A solar energy system, usually roof-mounted, designed for the purpose of heating water for domestic or commercial uses inside a building.

SECTION II

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-4, District Regulations, Section 4.202, Table of Principal Permitted Uses, shall be amended by (a) adding the following to the Principal Permitted Uses and creating a sub-category for Accessory Uses:

| PRINCIPAL PERMITTED USES | USE GROUP | R-43 | R-20 | R-12 | R-6 | R-G | R-M | B-C | B-G | B-D | C-W-S | I-L | I-G | L-D-I | B-N |
|---------------------------------|------------------|-------------|-------------|-------------|------------|------------|------------|------------|------------|------------|--------------|------------|------------|--------------|------------|
| <i>j. Other Principal Uses</i> | | | | | | | | | | | | | | | |
| Small-Scale Ground Mounted | SR | | | | | | | X | X | X | X | X | X | X | |
| Medium-Scale Ground Mounted | SP | | | | | | | X | X | X | X | X | X | X | |
| Large-Scale Ground Mounted | SP | | | | | | | X | X | X | X | X | X | X | |
| Accessory Uses | USE GROUP | R-43 | R-20 | R-12 | R-6 | R-G | R-M | B-C | B-G | B-D | C-W-S | I-L | I-G | L-D-I | B-N |
| Roof-Mounted Solar | BR | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Small-Scale Ground Mounted | BR | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Medium-Scale Ground Mounted | SP | | | | | | | | | | X | X | X | X | |

SECTION III

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-7, Conditional Uses, Section 7.7 Conditional Uses Subject To Special Requirements (Use Group SR) , shall be amended by inserting the following Section 7.737:

Section 7.737 Small Scale Ground Mounted Solar Energy Systems, Principal Use

A. Intent and Purpose

The purpose of this section is to provide for the construction and operation of solar energy systems and to establish standards for the placement, design, construction, monitoring, modification and removal of solar energy systems that address public safety, minimize impacts on scenic, natural and historic resources of the City, and provide adequate financial assurance for decommissioning. The provisions set forth in this section shall take precedence over all other sections of the Pittsfield Zoning Ordinance when considering applications related to the construction, operation and/or repair of solar energy systems.

B. Establishment

This ordinance is adopted pursuant to MGL Chapter 40A. This section applies to the installation, siting and approval of solar energy systems within the various zoning districts of the City.

The Community Development Board shall act as the administering authority for any Site Plan Review procedure associated with this ordinance according to Section 7.3 and Section 7.7 of the Pittsfield Zoning Ordinance.

C. Applicability

- 1) Requirements under Section 7.737(D) shall apply to all solar energy systems. Applicants for small-scale ground mounted solar energy systems shall require Site Plan Review pursuant to Section 4.202 of this ordinance, and shall adhere to the criteria and procedures found in Section 7.3 and Section 7.7 of the Pittsfield Zoning Ordinance.
- 2) Expiration. A special permit issued pursuant to this ordinance shall expire if: i) the solar energy system is not installed and functioning within 24 months from the date the permit is issued; or ii) the solar energy system is abandoned. The Pittsfield Zoning Board of Appeals may extend the special permit if it deems there are unique circumstances that justify a delay in the installation and/or functioning of the solar energy system.

D. Requirements

- 1) General Requirements for all solar energy systems
 - a) Compliance with laws: The construction and operation of all proposed solar energy systems shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.
 - b) Construction Deadlines. If the solar energy system is not installed and functioning within 24 months from the date the building permit is issued, the solar energy system is considered abandoned unless an extension of the special permit has been approved.
 - c) System conditions: Owners of solar energy systems shall be responsible for maintaining them in good condition. Maintenance shall include, but not be limited to, structural repairs and integrity of security

measures. Site access shall be maintained to a level acceptable to the Pittsfield Fire Chief. The project owner shall be responsible for the cost of maintaining the solar energy system and any access road(s), and the cost of repairing any damage occurring as a result of operation and construction.

- d) Modifications: All material modifications, including but not limited to alterations to the type, size, location or configuration of a solar energy system, made after issuance of any approval issued pursuant to this ordinance shall require approval by the Zoning Board of Appeals as provided in this ordinance.

2) Roof Mounted and Accessory Small Scale Solar Energy Systems

Roof mounted and accessory solar energy systems shall be permitted in accordance with Section 9.207 of the Zoning Ordinance

3) Small Scale Ground Mounted Solar Energy Systems, Principal Use

- a) Small ground-mounted solar energy systems shall not be erected, constructed, installed or modified as provided in this section without first obtaining a building permit.
- b) Small scale ground-mounted solar energy systems shall be sited in accordance with the table of permitted uses under section 4.202
- c) Small scale ground-mounted solar energy systems shall be located at least 25 feet from all property lines or outside of the required setbacks for a primary structure in the zoning district the property is located, whichever is greater.
- d) Small scale ground mounted solar energy systems shall be located at least 200 feet from any abutting residential zoning district or residential use.
- e) In addition to preserving as much existing vegetation as possible, screening shall be provided to shield the system from public view, as determined by the Zoning Board of Appeals.

E. Operation, Monitoring and Maintenance

- 1. 8.5.12.1 Facility Conditions. The small-scale ground mounted solar energy systems owner or operator shall maintain the facility in good condition. Maintenance shall address all elements of the project, including but not limited to, structural repairs, landscaping and screening, fencing and other security measures, stormwater management, and access. The project owner shall be responsible for the cost of maintaining the solar energy system and any access road(s), and the cost of repairing any damage occurring as a result of operation and construction.
- 2. 8.5.12.2 Operation and Maintenance Plan. The project applicant shall submit a plan for the operation and maintenance of the small-scale solar energy system as part of the special permit application. This plan shall include measures for maintaining safe access to the installation, stormwater management control, and general procedures for operational maintenance of the facility.
- 3. 8.5.12.3 Modifications. All material modifications to a solar energy facility made after issuance of the permit shall require site plan approval by the Community Development Board.

F. Municipal Solar Energy Systems

Solar energy systems, whether ground-mounted or roof-mounted, of any scale, may be installed as of right on municipally-owned or leased property in all zoning districts.

SECTION IV

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-7, Conditional Uses, Section 7.8 Conditional Uses Requiring Special Use Permit (Use Group SP) , shall be amended by inserting the following Section 7.855:

Section 7.855 Medium, and Large Scale Ground Mounted Solar Energy Systems; Medium-scale Ground Mounted Solar Energy Accessory Uses

A. Intent and Purpose

The purpose of this section is to provide for the construction and operation of solar energy systems and to establish standards for the placement, design, construction, monitoring, modification and removal of solar energy systems that address public safety, minimize impacts on scenic, natural and historic resources of the City, and provide adequate financial assurance for decommissioning. The provisions set forth in this section shall take precedence over all other sections of the Pittsfield Zoning Ordinances when considering applications related to the construction, operation and/or repair of solar energy systems.

B. Establishment

This ordinance is adopted pursuant to MGL Chapter 40A. This section applies to the installation, siting and approval of solar energy systems within the various zoning districts of the City.

The Community Development Board shall act as the administering authority for any Site Plan Review procedure associated with this ordinance according to Section 7.3 and Section 7.803 of the Pittsfield Zoning Ordinance. The Zoning Board of Appeals shall serve as the Special Permit Granting Authority for any use that requires a Special Permit under the terms of this section.

C. Applicability

- 3) Requirements under Section 7.855(D) shall apply to all solar energy systems. Applicants for medium and large-scale ground mounted solar energy systems and medium-scale ground mounted solar energy accessory uses in the B-G, B-D, B-C, C-W-S, I-L, I-G, and L-D-I zoning districts shall require a Special Permit pursuant to Section 4.202 of this ordinance, and shall adhere to the criteria and procedures found in Section 7.8 and Section 13.204 of the Pittsfield Zoning Ordinance and the requirements for Site Plan applications in Section 7.3.
- 4) Expiration. A special permit issued pursuant to this ordinance shall expire if: i) the solar energy system is not installed and functioning within 24 months from the date the permit is issued; or ii) the solar energy system is abandoned. The Pittsfield Zoning Board of Appeals may extend the special permit if it deems there are unique circumstances that justify a delay in the installation and/or functioning of the solar energy system.

D. Requirements

- 4) General Requirements for all solar energy systems
 - a) Compliance with laws: The construction and operation of all proposed solar energy systems shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

- b) Construction Deadlines. If the solar energy system is not installed and functioning within 24 months from the date the building permit is issued, the solar energy system is considered abandoned unless an extension of the special permit has been approved.
- c) System conditions: Owners of solar energy systems shall be responsible for maintaining them in good condition. Maintenance shall include, but not be limited to, structural repairs and integrity of security measures. Site access shall be maintained to a level acceptable to the Pittsfield Fire Chief. The project owner shall be responsible for the cost of maintaining the solar energy system and any access road(s), and the cost of repairing any damage occurring as a result of operation and construction.
- d) Modifications: All material modifications, including but not limited to alterations to the type, size, location or configuration of a solar energy system, made after issuance of any approval issued pursuant to this ordinance shall require approval by the Zoning Board of Appeals as provided in this ordinance.

5) Roof Mounted and Accessory Small Scale Solar Energy Systems

- a) Roof mounted and accessory solar energy systems shall be permitted in accordance with Section 9.207 of the Zoning Ordinance.

6) Medium and Large-Scale Ground Mounted Systems

- a) Medium and large-scale ground-mounted solar energy systems shall not be erected, constructed, installed or modified as provided in this section without first obtaining a building permit.
- b) Medium and large-scale ground-mounted solar energy systems shall be sited in accordance with the table of permitted uses under section 4.202
- c) Medium and large-scale ground mounted solar energy systems shall be located at least 50 feet from all property lines or outside of the required setbacks for a primary structure in the zoning district the property is located, whichever is greater.
- d) Medium and large-scale ground mounted solar energy systems shall be located at least 200 feet from any abutting residential zoning district or residential use.
- e) Whenever possible, utility lines for medium and large-scale ground-mounted systems shall be located underground unless the presence of ledge and/or wetlands or other obstacles prevents such location.
- f) All medium and large-scale ground mounted solar energy systems shall not increase stormwater runoff or increase the impervious area of a lot as compared to pre-development levels.
- g) In addition to preserving as much existing vegetation as possible, screening shall be provided to shield the system from public view, as determined by the Zoning Board of Appeals.
- h) Medium and large-scale ground mounted solar energy systems shall be located so as to minimize the potential impacts on the following:
 - (i) Visual/aesthetic: Medium and large-Scale Solar Energy Systems shall, when possible, be sited off ridgelines to locations where their visual impact is least detrimental to valuable historic and scenic areas, and established residential areas;
 - (ii) General health, safety, and welfare of residents;
 - (iii) Natural habitats, forests and wetlands;

- (iv) Lands with prime agricultural soils;
- (v) Glare from the solar panels onto any abutting or nearby properties;
- (vi) Potential vehicular traffic conflicts.

E. Operation, Monitoring and Maintenance

1. 8.5.12.1 Facility Conditions. The medium-scale or large-scale ground mounted solar energy systems owner or operator shall maintain the facility in good condition. Maintenance shall address all elements of the project, including but not limited to, structural repairs, landscaping and screening, fencing and other security measures, stormwater management, and access. The project owner shall be responsible for the cost of maintaining the solar energy system and any access road(s), and the cost of repairing any damage occurring as a result of operation and construction.
2. 8.5.12.2 Operation and Maintenance Plan. The project applicant shall submit a plan for the operation and maintenance of the large-scale solar energy system as part of the special permit application. This plan shall include measures for maintaining safe access to the installation, stormwater management control, and general procedures for operational maintenance of the facility.
3. 8.5.12.3 Modifications. All material modifications to a solar energy facility made after issuance of the permit shall require approval by the special permit granting authority as provided in this ordinance.

F. Abandonment and Decommissioning

1. Removal requirements. Any medium-scale or large-scale ground mounted solar energy system which has reached the end of its useful life or has been abandoned shall be removed. When the solar energy system is scheduled to be decommissioned, the owner or operator shall notify the City by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the solar system installation no more than 150 days after the date of discontinued operations. At the time of removal, the solar system site shall be restored in accordance with the decommissioning requirements specified below.

More specifically, decommissioning shall consist of the following:

- a) Physical removal of all solar photovoltaic installations, including structures, equipment, security barriers, and transmission lines from the site;
 - b) Any utility connections shall be disconnected to the satisfaction of the Pittsfield Fire Department and the City's Wiring Inspector;
 - c) Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations and standards; and
 - d) Stabilization or re-vegetation of the site with native species as necessary to minimize erosion.
2. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a medium or large-scale ground mounted solar energy system shall be considered abandoned when it ceases to operate for more than twelve (12) months, without written consent of the Zoning Board of Appeals. "Cease to operate" is defined as not performing the normal functions associated with the medium or large-scale solar energy system and its equipment on a continuous and ongoing basis. The Building Commissioner shall provide written notification of abandonment to the owner/operator.

- a) If the owner/operator fails to remove the solar energy system in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the City shall have the authority to enter the property, to the extent it is duly authorize by law, and physically remove the solar energy system.
3. Financial Surety Applicants for principal-use medium-scale and large-scale ground-mounted solar energy system projects shall provide a form of surety to cover the cost of removal in the event the City must remove the installation and remediate the landscape, in an amount determined to be reasonable by the Pittsfield Zoning Board of Appeals and the applicant.
 - a) The applicant may choose to provide the surety in the form of a bond or escrow account. In no event shall the amount exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant and the Pittsfield Zoning Board of Appeals. Such surety will not be required for municipally- or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The estimated cost of removal shall include a mechanism for calculating increased removal costs due to inflation.

G. Municipal Solar Energy Systems

Solar energy systems, whether ground-mounted or roof-mounted, of any scale, may be installed as of right on municipally-owned or leased property in all zoning districts.

SECTION V

That the Code of the City of Pittsfield Chapter 23, Zoning, Article 23-9, Accessory Uses, Section 9.2 Permitted Accessory, shall be amended by replacing the existing Section 9.207 Ground mounted solar photovoltaic systems, with the following:

Section 9.207 Accessory Solar Energy Systems

- A. Roof mounted solar energy systems shall not be erected, constructed, installed or modified without first obtaining a building permit, and must be sited in accordance with the table of permitted uses under Section 4.202.
- B. Small and medium scale ground-mounted solar energy systems shall not be erected, constructed, installed or modified as provided in this section without first obtaining a building permit, and must be in accordance with the requirements of this ordinance.
- C. Small and medium scale ground-mounted solar energy systems shall be located at least 25 feet from all property lines or outside of the required setbacks for a primary structure in the zoning district the property is located, whichever is greater.
- D. All small scale ground-mounted solar energy systems in residential districts shall be installed only in the side yard or rear yard.
- E. All medium-scale ground mounted solar energy systems shall not increase storm-water runoff or increase the impervious area of a lot as compared to pre-development levels.
- F. Whenever possible, utility lines for medium-scale ground-mounted systems shall be located underground unless the presence of ledge and/or wetlands or other obstacles prevents such location.
- G. Without compromising access to the sun, support structures for accessory use ground-mounted photovoltaic systems shall be screened from view with vegetation or other screening.

SECTION VI

This Ordinance shall take effect upon its enactment.