ARTICLE 13 AMEND ZONING BYLAW-SOLAR ENERGY SYSTEMS

MOTION: That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows (~~struck-though~~ text is to be removed and underlined text is to be added), and further that non-substantive changes to the numbering of this bylaw be permitted so that it comply with the numbering format of the Code of the Town of Lexington:

A. Amend § 135-3.2.2 so that it reads:

3.2.2 Limit on Size of Accessory Uses. An accessory use may not occupy more than 25% of the area of a lot or more than 25% of the gross floor area on a lot. This limitation does not apply to off-street parking, Solar Energy Systems, or to accessory apartments~~, which are governed by other provisions of this bylaw~~.

B. Add a new § 135-4.3.1.3 as follows:

3. A Solar Energy System may be located over any paved parking lot.

C. Amend § 135-4.3.2 so that it reads:

4.3.2 Structures on a Building. Structures erected on a building and not used for human occupancy may exceed the maximum height of a building in feet provided no part of the structure is more than 20 feet higher than the upper elevation of the building and the total horizontal coverage of such structures on the building, other than Solar Energy Systems, does not exceed 25%.

D. Add a new § 135-6.10 as follows:

6.10 SOLAR ENERGY SYSTEMS.

1. Purpose and Intent.

As a Green Community, Lexington promotes the installation and use of all Energy Systems within the community. The purpose of this section is to establish standards for permitting, placement, design, construction, operation, monitoring, modification and removal of such installations; while protecting public safety; protecting against undesirable impacts on residential property and neighborhoods; protecting scenic, natural and historic resources; and protecting or providing for wildlife corridors. Lexington intends to promote the creation of Energy Systems per MGL. c.40A, §3 and the Green Communities Act, MGL. c.25A, §10, while meeting sustainability initiatives for a sustainable Lexington.

2. Applicability.

1. 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, electrical, communications and aviation requirements.

2. All buildings and structures forming part of a Solar Energy System shall be constructed per the State Building Code and approved by the Building Commissioner.

3. Design Standards.

1. The Planning Board may adopt regulations providing reasonable design standards for Solar Energy Systems constructed under MGL c. 40A, § 3. The standards shall not be more restrictive than those applied to other structures.
2. The Planning Board may adopt regulations providing for the maintenance and eventual removal of Large-scale Solar Energy Systems and securing the performance thereof.
3. Large-scale and Small-scale Solar Energy Systems shall not be located in the front, side, or rear required Yard.
4. The permit granting authorities may waive any standards in this Bylaw which are not reasonable as applied in a particular case or which effectively prohibit the protected use.

J. Add a new § 135-7.3.4 as follows:

7.3.4 Protected uses**.**

Notwithstanding other provisions of § 7.3 and any preliminary site development and use plan, the following uses and structures protected by MGL c. 40A §3 shall be permitted in any PD, CD, or RD district:

1. Building-mounted Solar Energy Systems shall be permitted by right.
2. Canopy Solar Energy Systems, Large-Scale Solar Energy Systems, and Small-scale Solar Energy Systems shall be permitted with site plan review under § 135-9.5.

E. In § 135-10.1, amend the definition of SITE COVERAGE so that it reads:

The sum of all parts of a lot that are covered by a principal or accessory building or other structure, other than a Solar Energy System, such portions of the lot to be delineated by the intersection of the ground with the vertical plane of the outermost walls or projections of a building or structure whether in contact with the ground or projecting over it.

F. In § 135-10.1, amend the definition of STRUCTURE so that it reads:

Anything constructed or erected, the use of which requires a fixed location on the ground, or attachment to something located on the ground, including buildings, mobile homes, billboards, tanks, Solar ~~Panels~~ Energy Systems, or the like, or the parts thereof, and swimming pools, but not including paved surfaces such as a driveway, a walk or a patio.

G. In § 135-10.1, amend the definition of YARD so that it reads:

An open space on a lot unoccupied by a building or structure or such parts thereof as covered or uncovered porches, steps, cornices, eaves and other projections; provided

however that fences, gates or security stations, yard accessories, ornaments and furniture, Solar Energy Systems, and customary summer awnings are permitted in any Yard but shall be subject to height limitations. Yard depth shall be measured from the street or lot line, and not from the middle of any public or private way whether owned pursuant to the derelict fee statute or otherwise, to the nearest point on a building in a line perpendicular or normal to such lot or street line. The minimum required Yard shall be a strip of land of uniform depth required by this bylaw measured from the lot or street line and adjacent thereto.

H. In § 135-10.1, add definitions as follows:

SOLAR ENERGY SYSTEM

A device or structural design feature, a substantial purpose of which is providing for the collection, storage, and distribution of solar energy for space heating or cooling, electrical generation, or water heating.

SOLAR ENERGY SYSTEM, BUILDING-MOUNTED

A Solar Energy System that is designed to be securely mounted on a building.

SOLAR ENERGY SYSTEM, CANOPY

A Solar Energy System structure that is built to cover a parking lot or other open-air use that is not a Building-mounted Solar Energy System.

SOLAR ENERGY SYSTEM, LARGE SCALE

A Solar Energy System that is not a -Building-mounted Solar Energy System, Canopy Solar Energy System, or Small-scale Solar Energy System.

SOLAR ENERGY SYSTEM, SMALL SCALE

A Solar Energy System that is not a Building-mounted Solar Energy System or Canopy Solar Energy System where the total lot area covered by all Solar Energy Systems on the lot is less than or equal to 1,500 square feet.

I. In Table 1, Permitted Uses and Development Standards, replace row O.1.10 with four new rows, so that it reads:

		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM	CSX
~~O.1.10~~	~~Ground mounted solar energy systems~~	~~Y~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~R~~	~~R~~	~~N~~
O.1.10	Solar Energy System, Building-mounted	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
O.1.11	Solar Energy System, Canopy	Y	R	R	R	R	R	R	R	R	R	R	R
O.1.12	Solar Energy System, Large-scale	Y	R	R	R	R	R	R	R	R	R	R	R
O.1.13	Solar Energy System, Small-scale	Y	R	R	R	R	R	R	R	R	R	R	R

(Revised 10/09/2020)