



Planning, Conservation & Development Department

245 deKoven Drive, Middletown CT 06457

Date: October 30, 2017

Subject: Guidance for Solar PV Systems

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On behalf of the Department of Planning, Conservation & Development for the City of Middletown, I am writing to clarify certain policies and procedures that the City uses to permit solar projects. The mission of the Department is to assist and participate in the fulfillment of statutory responsibilities and functions regarding land use issues in the city.

The purpose of this memo is to review the zoning requirements that impact solar energy systems in Middletown as well as address any gaps. More importantly, this memo provides guidance to property owners submitting applications to the City of Middletown for the installation of solar energy systems. The objective of these clarifications is to maintain the purpose and intent of the City's regulations, while accommodating the need for solar access to the greatest extent possible.

As it relates to the SolSmart application criteria PZD-1 and PZD-2, please see the below clarifications for the city's pending SolSmart application.

#### DEFINITIONS

(provided by Sunshine Team - Zoning and Permitting Solar in Your Municipality)

**Array:** Any number of electrically connected photovoltaic (PV) modules providing a single electrical output.

**Building-Mounted System:** A solar photovoltaic system attached to any part or type of roof on a building or structure that has an occupancy permit on file with the city and that is either the principal structure or an accessory structure on a recorded property. This system also includes any solar-based architectural elements.

**Ground-Mounted System:** A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

**Kilowatt (kW):** A unit of electrical power equal to 1,000 Watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used. 1,000 kW is equal to 1 megawatt (MW).

**Module:** A module is the smallest protected assembly of interconnected PV cells.

**Photovoltaic (PV):** A semiconductor based device that converts light directly into electricity.

**Solar Photovoltaic (PV) System:** A solar collection system consisting of one or more building- and/or ground-mounted systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation

**Solar fields:** a building- or ground-mounted solar system that is of utility-scale. There is no approximate kW, however, systems of significant size will be considered a "solar field" and a Special Permit will be required.

## PERMITTING

**Two Application Tracks.** There are two pathways for solar PV applications: Planning, Conservation & Development Department (PCD) Approval, which does not require a public hearing, and Zoning Commission Approval, which requires a commission review and possibly a public hearing. For timely approval, applicants are encouraged to review the guidance below for the administrative approval track and design systems accordingly.

**Administrative Approval:** City staff may administratively approve an application for solar PV systems that meet the setback, height, and lot coverage requirements for the zone the system is located in. Requirements for each zone can be found in the [Zoning Brief Sheets](#) online.

In general, Building-mounted solar systems require a review of the PCD department and a permit from the Building Department.

Ground-mounted solar systems are considered "Accessory Uses" and must meet codes in the Zoning Brief Sheets, but generally follow the below requirements:

100 square feet or less:

- No zoning permit needed
- No setbacks

Over 100 square feet but less than 150 square feet with no permanent foundation:

- Minimum 10 feet setback to all property lines

Over 150 square feet:

- Zoning permit required (no fee);
- Must meet all setbacks requirements;
- R-15 zone: 10 side / 30 rear
- R-30 zone: 15 side / 30 rear
- R-45 & R-60 zone: 20 side / 30 rear
- RPZ – check with PCD office for information

Size limits:

- Cannot be more than 10% of Lot Area;
- Total Lot Coverage cannot be more than 25%

**Zoning Commission Approval:** Applications that do not meet the above criteria for administrative approval will require an review by the Zoning Commission. Please check on the city website for the public hearing schedule and associated deadlines.

**Historic properties:** Systems located on a historic property will be reviewed by the [Middletown Preservation and Design Review Board](#). The Board will make a recommendation to the PCD Department as to the type of site plan approval and category process that should be followed.

## PROCESS AND TIMELINE

**Process:** Building and ground-mounted solar system applications which meet all Code requirements and do not require a Special Exception are processed according to the following four categories as describes in section 55.03 of the Zoning Regulations:

Category 1: Building-mounted solar systems

- Site plan approval by the PCD Department
- Building Department permit

Category 2: Ground-mounted solar systems located on single or two family residential properties,

- Site plan approval by the PCD Department
- No need to go through the formal site plan review process

Category 3: Ground-mounted systems located on commercial properties or any system not in Category 1 or 2

- Site plan approval by the PCD Department

- Systems larger than 5,000 square feet need site plan approval by the Commission

Category 4: any application not in Category 1,2, or 3

- A-2 survey and site plan approval before Commission; if required, public hearing shall be held
- Examples include requests for Special Exceptions, lot line rearrangements, changes in non-conforming uses

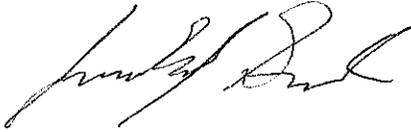
**Timeline:** In general, Zoning certificates and plan approval take less than a week and are reviewed by Department staff. Special Permits take about 1.5 months and are approved by the Zoning Commission. Administrative approvals typically take 1 day and are reviewed by Department staff. All applications must be complete upon submittal. These timelines are approximations and are not guaranteed.

#### GAPS and PROCESS

Although “solar energy systems” are not included as an allowable accessory use in the zoning regulations, this memo serves as clarification that solar energy systems are allowed by-right in all major zones, given they meet the above relevant criteria for Administrative Approval. Solar energy systems that do not meet the above criteria for Administrative Approval are subject to additional approvals and possible public hearing. Decisions on future solar permit applications shall reflect the process outlined above and the spirit of this process, free from staff discretion. The Department of Planning, Conservation, & Development is committed to supporting solar by-right in future opportunities to amend the zoning code.

Please contact the Department of Planning, Conservation & Development for any additional clarifications.

Sincerely,



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