

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Homer

Local Law No. 1 of the year 2017.

A local law amending the zoning law to allow solar energy projects in certain zoning districts and to require site plan approval for major projects.

Be it enacted by the Town Board of the

Town of Homer as follows:

FILED
STATE RECORDS

AUG 30 2017

DEPARTMENT OF STATE

§1. Purpose

The Homer Town Board finds that it is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life. The purpose of this local law is to facilitate the development and operation of renewable energy systems based on sunlight. Solar energy systems are appropriate in all zoning districts when measures are taken, as provided in this chapter, to minimize adverse impacts on neighboring properties and protect the public health, safety and welfare.

§2. Definitions

The Town of Homer Zoning Law (Local Law No. 1 of 2008), which became effective on September 2, 2008 upon being filed by the Secretary of State is hereby amended. Article II, Section 202 is amended to add the following definitions:

MAJOR SOLAR COLLECTION SYSTEM or SOLAR FARM

An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility, but also may be for on-site use. Solar farm facilities consist of one or more freestanding ground- or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

MINOR OR ACCESSORY SOLAR COLLECTION SYSTEM

A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, secondary to the use of the premises for other lawful purposes, with the total surface area of all solar collectors on the lot not to exceed 3,000 square feet. Any system which is located at a farm and which is designed to produce an amount of energy similar to what is consumed at that farm shall be a minor system, regardless of the total surface area of the collectors.

§3. Permit requirements

Article XIV Supplemental Regulations of the Zoning Law is amended as follows to add a new section 1416 entitled "Solar Energy Systems."

A. Solar collectors and installations for minor systems

1. Rooftop- and building-mounted minor solar collection systems are permitted in all zoning districts in the Town. Building permits shall be required for installation of rooftop- and building-mounted solar collectors.
2. Ground-mounted and freestanding minor solar collection systems are permitted as accessory structures in all zoning districts of the Town, subject to the following requirements:
 - (a) The location of the solar collectors meets all applicable setback requirements of the zone in which they are located.
 - (b) The height of the solar collectors and any mounts shall not exceed the height restrictions of the zone when oriented at maximum tilt.
 - (c) The total surface area of all solar collectors on the lot shall not exceed 3,000 square feet and, when combined with all other buildings and structures on the lot, shall not exceed fifty-percent lot coverage.
 - (d) A building permit has been obtained for the solar collectors.
 - (e) The solar collectors are located in a side or rear yard.
 - (f) Solar collectors and other facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties and roads.
3. Site plan approval is required pursuant to zoning law Article XV for all minor systems, except for rooftop mounted systems on single family and two family dwellings. Any site plan review shall include review of the adequacy, location, arrangement, size, design, impact on aesthetic resources, and general site compatibility of proposed solar collectors.
4. All solar collector installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards, and prior to operation the electrical connections must be inspected by the Town Code Enforcement Officer or by an appropriate electrical inspection person or agency, as determined by the Town. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.

5. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of Cortland County and other applicable laws and regulations.
6. If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment and facilities no later than 90 days after the end of the twelve-month period.

B. Solar collectors and installations for major systems or solar farms

1. Unless more restrictive regulations also apply, the site plan approval requirements of Article XV shall apply to all solar collectors and installations for major systems or solar farms.
2. A major system or solar farm shall be constructed pursuant to the site plan approval from the Town planning board and must meet the criteria set forth below and obtain all other necessary approvals. In addition to the application requirements of Article XV, any application regarding major solar systems shall include detailed soils maps.
3. Areas of potential sensitivity which must be avoided:
 - (a) One-hundred-year flood hazard zones
 - (b) Historic and/or culturally significant resources in an historic district or historic district transition zone.
 - (c) Within any freshwater wetland.
 - (d) Within any area that is primarily classified as prime farmland, using the soil classification system adopted by the NYS Department of Agriculture and Markets.
4. A major system or solar farm may not be permitted in the Residential or Lakeside zone, but may be permitted in any other zoning districts in the Town when authorized by site plan approval from the planning board subject to the following terms and conditions.
 - (a) The total coverage of all buildings and structures on a lot, including freestanding solar panels, shall not exceed 50%.
 - (b) Height and setback restrictions.
 - (1) The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed 15 feet in height above the ground.
 - (2) The minimum setback from property lines shall be 50 feet.
 - (3) A landscaped buffer shall be provided around all equipment and solar collectors to provide screening from adjacent residential properties and roads.
 - (c) Design standards.
 - (1) Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property.

- (2) Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.
- (3) All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
- (4) Solar collectors and other facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties and roads.
- (5) All solar equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum six-foot-high fence with a self-locking gate and provided with landscape screening.
- (6) A solar farm to be connected to the utility grid shall provide a "proof of concept" letter from the utility company acknowledging the solar farm will be connected to the utility grid in order to sell electricity to the public utility.

(d) Signs.

- (1) A sign not to exceed eight square feet shall be displayed on or near the main access point and shall list the facility name, owner and phone number.
- (2) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(e) Abandonment.

- (1) All applications for a solar farm shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the facility, prior to issuance of a building permit.
- (2) If the applicant begins but does not complete construction of the project within 18 months after receiving final site plan approval, this may be deemed abandonment of the project and require implementation of the decommissioning plan to the extent applicable.
- (3) The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay, including, but not limited to, the following:
 - [1] Removal of aboveground and below-ground equipment, structures and foundations.
 - [2] Restoration of the surface grade and soil after removal of equipment.
 - [3] Revegetation of restored soil areas with native seed mixes, excluding any invasive species.
 - [4] The plan shall include a time frame for the completion of site restoration work.
- (4) In the event the facility is not completed and functioning within 18 months of the issuance of the final site plan approval, the Town may notify the operator and/or the owner to complete

construction and installation of the facility within 180 days. If the owner and/or operator fails to perform, the Town may notify the owner and/or operator to implement the decommissioning plan. The decommissioning plan must be completed within 180 days of notification by the Town.

- (5) Upon cessation of activity of a constructed facility for a period of one year, the Town may notify the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the owner and/or operator can either restore operation equal to 80% of approved capacity or implement the decommissioning plan.
- (6) If the owner and/or operator fails to fully implement the decommissioning plan within the one-hundred-eighty-day time period, the Town may, at its discretion, provide for the restoration of the site in accordance with the decommissioning plan and may recover all expenses incurred for such activities from the defaulted owner and/or operator. The cost incurred by the Town shall be assessed against the property, shall become a lien and tax upon the property, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes.

C. The Town Board shall have the authority to require a reclamation bond in an amount reasonably related to the expected cost to remove the facilities and restore the land.

§4. This local law shall take effect immediately upon being filed by the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 17 of the (County)(City)(Town)(Village) of Homer was duly passed by the town board on June 7, 20 17, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Anita W. Jobbett

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: June 14, 2017

