

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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.

County City Town Village
(Select one:)

of Westhampton Beach

**FILED
STATE RECORDS**

NOV 25 2011

Local Law No. 11 of the year 2011

DEPARTMENT OF STATE

A local law amending Section 1 of Chapter 197 of the Village Code entitled "Zoning."
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Westhampton Beach

as follows:

SECTION 1. Legislative Intent

The Village of Westhampton Beach has recently adopted the land use plans which identified one of the Village's primary goal is to preserving it's unique character. With the current push to reduce the consumption of energy through the use of alternative renewable energy technologies and a federal and state tax credit that reduced that cost of installation of alternative energy systems, the demand for the installation of such systems has increase significantly. As a resulted of these sometime competing interests it is important to consider regulations that involved balancing the need for protecting the existing character of the Village's neighborhoods with the goal of encouraging the use of a renewable energy sources, which is one of the stated purposes of zoning as outlined in § 7-704 of New York State Village Law.

SECTION 2. Chapter 197 Section 1 of the Code of the Village of Westhampton Beach is hereby amended:

ACCESSORY SOLAR ENERGY SYSTEMS – A solar energy system that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means. Structures or devices which provide power to any other dwelling or structure located on a separate property are not considered part of this definition.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

BUILDING-INTEGRATED SOLAR SYSTEMS – An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

SECTION 3. Chapter 197 of the Code of the Village of Westhampton Beach is hereby amended by adding a new section 44 containing the following underlined words:

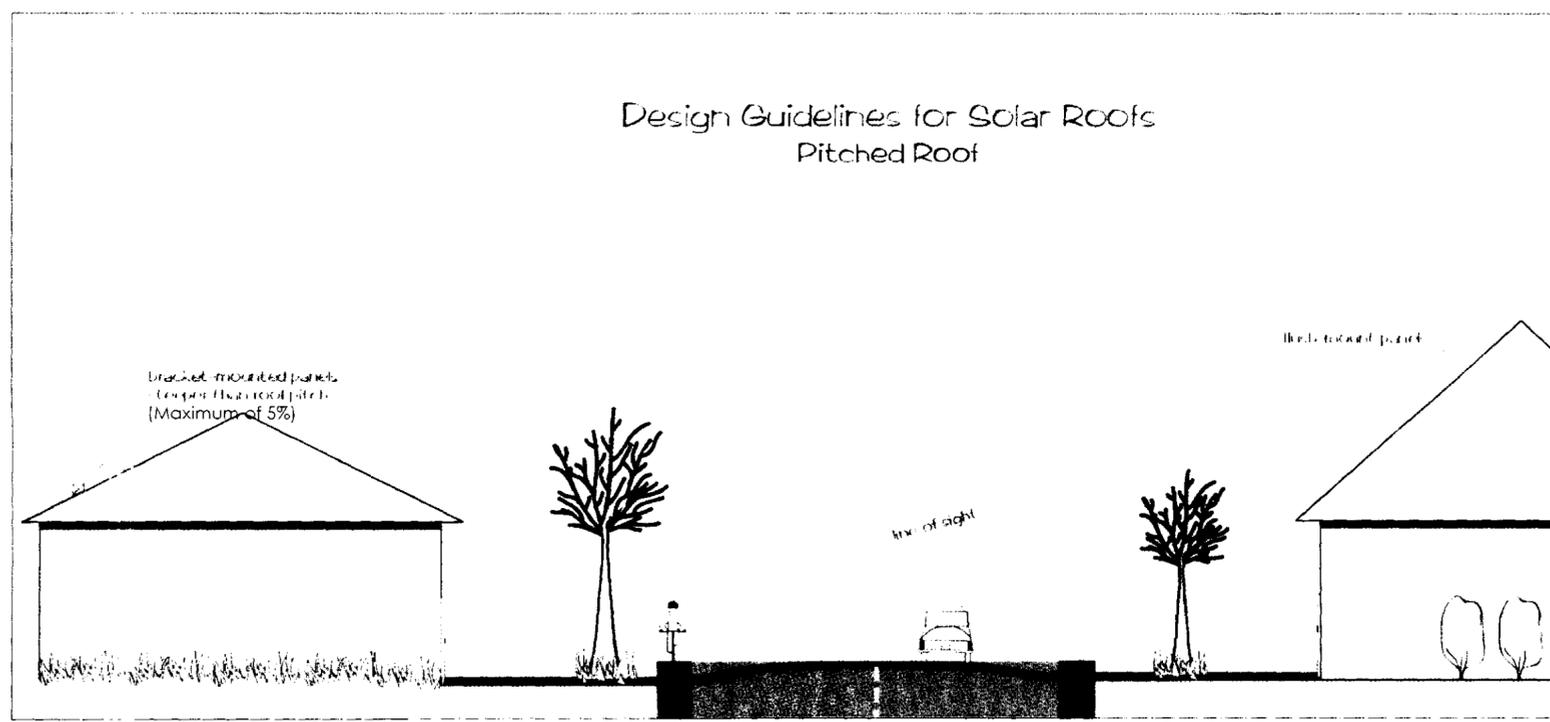
§197-44 Accessory Solar Energy Systems

- A. Legislative intent. In order to accommodate alternative and renewable forms of energy production across the Village, while regulating the visual impacts of any such form, accessory solar energy systems, as defined in this chapter, may be allowed as specified herein.
- B. Solar energy systems are permitted as an accessory use in all residential zoning districts in the Village, subject to certain requirements as set forth herein.
- C. Height - Solar energy systems must meet the following height requirements:
 - (1) Building- or roof- mounted solar systems may exceed the maximum allowed height in any zoning district by 1 foot, any building which is pre-existing non-conforming in terms height requirements may be increased by 1 foot provided that any such system shall comply with the other provisions of the Zoning Code. For purposes for height measurement, solar systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.
 - (2) Ground- or pole-mounted solar systems shall not exceed 8 feet in height when oriented at maximum tilt.
- D. Set-back/Location - Solar energy systems must meet the accessory structure setback and location requirements set forth in the Zoning Code except that any such system shall not be permitted in the front yard in the R-3 Zoning District.
 - (1) Roof-mounted Solar Systems - In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side or rear yard exposure.
 - (2) Ground-mounted Solar Systems - Ground-mounted solar energy systems may not extend into the required rear yard setback when oriented at minimum design tilt.
- E. Visibility – The design of the solar energy system shall make best efforts to blend into the architecture of the building or be screened from routine view from public

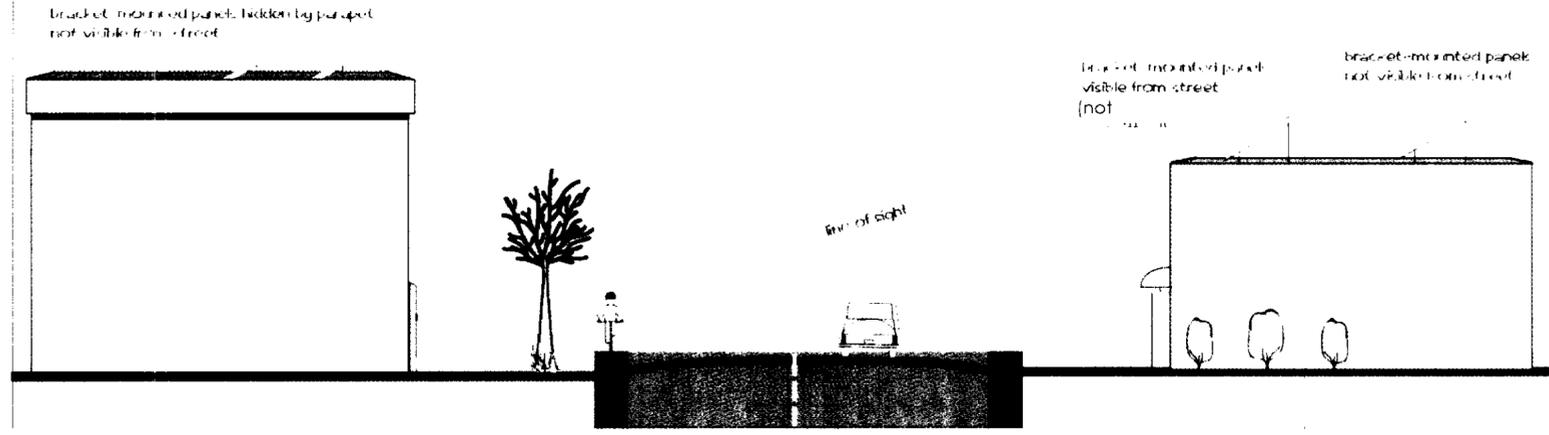
right-of-ways. The color of the solar collector shall be, to the extent possible, consistent with the roofing materials on which it is mounted.

- (1) Building Integrated Photovoltaic Systems - Building integrated photovoltaic solar systems shall be allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback and regulations for the district in which the building is located.
 - (2) Solar Systems with Mounting Devices - Any solar system that meets one of the following standards, will be deemed to meet the visibility requirements of this section:
 - a) Meets the standards for use of the *Solar Energy System Fast Track Permit Application*, or
 - b) Is not visible from the closest edge of any public right-of-way other than an alley, or
 - c) Is a roof-mount system that is visible from the nearest edge of the street frontage right-of-way but does not have a highest finished pitch more than five (5) percent steeper than the roof pitch on which the system is mounted, and is no higher than ten (10) inches above the roof.
 - (3) Coverage - Roof or building mounted solar systems, excluding building-integrated systems, and shall be set back from the roof edge or ridge with a clear path of a minimum of eighteen (18) inches each. The surface area of pole or ground mount systems shall not exceed 1,000 sqft.
 - (4) Ground-mounted Solar Systems – a Ground-mounted solar energy systems shall be screened with perimeter plantings to consist of evergreen plantings having a minimum height of 4 feet at the time of installation, and shall not be setback more than 5 feet from said system.
- F. Approved Solar Components - Electric solar system components must be certified as meeting the Underwriters Laboratory (UL) Standard 1703, and the inverter conforms to UL Standard 1741. Solar hot water systems must be certified by the Solar Rating and Certification Corporation. The solar system must be certified by a licensed professional that said system is anchored in such a manner consistent with NYS Building Code, including but not limited to wind load requirements, and for roof mounted solar system have a roof load not exceeding 6 pounds per square foot.
- G. All solar collector installations must be performed by a qualified solar installer, and prior to operation the electrical connections must be inspected by an appropriate electrical inspection agency as determined by the Building Department. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.
- H. 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 applicable laws and regulations.

- I. Electric solar system - A sign shall be installed on the utility meter and at any Alternating Current (AC) disconnect switch indicating that there is an operating solar electric co-generating system on site.
- J. Decommissioning. The facility owner and operator shall, at its expense, complete decommissioning of the accessory solar energy system within 12 months after the end of the useful life of said system. The accessory solar energy system will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months. Decommissioning shall include removal of the collectors, mount and any other associated equipment and facilities by no later than 90 days after the end of the twelve-month period.
- K. Administration.
- (1) The Chief Building Inspector shall promulgate such rules, procedures, application forms, and certificates as may be required to effectively implement the *Solar Energy System Fast Track Permit Application*.
 - (2) The filing fee for an accessory solar energy system permit shall be set-forth in Chapter A200 as amended from time to time.
 - (3) The permit shall be issued within fourteen days of the submittal of a complete application.
 - (4) Solar energy systems meeting the standards contained herein shall not require Architectural Review Board review.
 - (5) The Building Department shall maintain a list by address of all solar installations, which shall be made available to all relevant first responder organizations.



Design Guidelines for Solar Roofs: Flat Roof



(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. 11 of 2011 of the ~~(County)(City)(Town)~~ (Village) of Westhampton Beach was duly passed by the Board of Trustees on November 16, 2011, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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) *(Name of Legislative Body)* (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.)

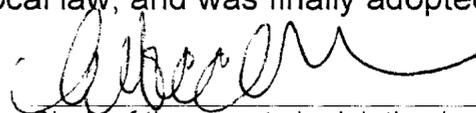
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 1____ above.



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

Date: 11 17 20 11

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Suffolk

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
Village Attorney

Title

~~XXX~~
~~XX~~ of Westhampton Beach
~~XXX~~
Village

Date: November 17, 2011