

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.

FILED
STATE RECORDS

DEC 02 2016

- County
 City of Webster
 Town
 Village

DEPARTMENT OF STATE

Local Law No. 3 of the year 20 16

A local law Authorizing and regulating solar energy systems
(Insert Title)
within the Town of Webster

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

- County
 City of Webster as follows:
 Town
 Village

(Delete this line of text and enter text of local law here)

see attached

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

LOCAL LAW NO. #3 OF 2016

Town of Webster Solar Energy Law

1. Authority

This Zoning for Solar Energy Law is adopted pursuant to section 261-263 of the Town Law of the State of New York, which authorize the Town of Webster to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and "to make provision for, as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.

2. Statement of Purpose

A. This Zoning for Solar Energy Law is adopted to advance and protect the public health, safety, and welfare of the Town of Webster, including:

- 1.) Support for a safe, abundant, renewable, and non-polluting energy resource; and
- 2.) Decreasing the cost of energy to the all commercial and residential properties in the Town of Webster; and
- 3.) Protection of the environment.

3. Definitions

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM: A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semi-transparent skylight systems, roofing materials, and shading over windows.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure for the primary purpose of producing electricity for onsite consumption.

LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System that is ground-mounted and produces energy primarily for the purpose of offsite sale or consumption.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

SOLAR ENERGY EQUIPMENT: Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM: An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electrical energy.

4. Applicability

The requirements of this law shall apply to all Solar Energy Systems installed or modified after its effective date, excluding general maintenance, repair, and Building Integrated Photovoltaic Systems.

5. Solar Design Standards

- A. All Solar Energy Systems shall be designed and installed in conformance with the current International Building Code requirements and the manufacturer's recommendations. In case of conflict between these sources, the International Building Code shall apply.
- B. Roof-Mounted Solar Energy Systems.
- 1.) Roof-Mounted Solar Energy Systems that use the electricity onsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.
 - 2.) Height. Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
 - 3.) Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate the following design requirements:
 - a. Height and Setback: Roof-Mounted Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district.
 - b. Panels installed on a sloping roof facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and the highest edge of the system.
 - c. Panels installed on a flat or near flat roof shall be screened by a parapet wall or other approved screening materials at an equal height as the top of the panels.
 - d. All flat and near flat roof installations shall provide a perimeter area around the edges of the roof for emergency access and maintenance work. Larger buildings may be required to provide internal walkways to equipment, access hatches, stairways, ladders, and other roof penetrations or equipment.
 - 4.) Ground-Mounted Solar Energy Systems installations shall incorporate the following design requirements:
 - a. Ground-Mounted Solar Energy Systems that use the electricity primarily onsite are permitted as accessory structures in all zoning districts.
 - b. Height and Setback: Ground-Mounted Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district.
 - c. Lot Coverage: Ground-Mounted Systems are limited to a maximum of 20% of lot coverage. The surface area covered by Ground-Mounted Solar Panels shall be included in the total lot coverage, including any primary or secondary structures.. Area shall be based upon square feet of solar panel surfaces.

- d. All Ground-Mounted Systems in residential districts shall be installed in the side or rear yards with a minimum setback of 25' to any adjoining property lines.
- e. All Ground-Mounted Systems shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of adjoining properties, while still providing adequate solar access for collectors.

5.) Rules Applicable to All Solar Energy Systems

- a. All Solar Energy Systems shall not be located within any buffer, easement, or environmental protection overlay district (wetland, steep slope, or coastal erosion area).
- b. All Solar Energy Systems shall be permitted only if they are determined by the Town of Webster not to present any unreasonable safety risk, including, but not limited to, the following:
 - a) Weight load.
 - b) Wind resistance.
 - c) Ingress or egress in the event of an emergency.
- c. Small solar panels of less than one square yard for charging of batteries and powering small equipment or devices shall not require a permit.
- d. All Solar Energy Systems shall obtain site plan approval from the Webster Planning Board under the local zoning code or other land use regulations.
- e. For any installation within an existing Agricultural District or Conservation Easement, the applicant shall submit all required documentation in conformance with local, state, and federal laws.

6.) Approval Standards for Large-Scale Solar Energy Systems as a Special Use

- a. Large-Scale Solar Energy Systems are permitted through the issuance of a Special Use Permit within all residential districts subject to the requirements set forth in this Section, including site plan approval. Applications for the installation of a Large-Scale Solar Energy System shall be reviewed by the Commissioner of Public Works and referred, with comments, to the Town Board for its review and action, which can include approval, approval with conditions, or denial. Town Board shall refer site plan approval to the Planning Board prior to granting any Special Use Permit.
- b. Large-Scale Solar Energy systems are permitted in commercial districts under the site plan review process of the Planning Board. Front setbacks shall comply with the underlying zoning district.

7.) Special Use Permit Application Requirements. For a special use permit application, the Town Board shall determine if the special use application is supplemented by the following provisions:

- a. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
- b. Blueprints showing the layout of the Solar Energy System shall be signed by a Professional Engineer registered in New York State, including verification that the existing structure is structurally capable report of supporting all additional load impacts.
- c. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
- d. Property Operation and Maintenance Plan. Applicant shall submit a maintenance agreement plan that describes continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
- e. Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a Special Use Permit under this Section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System is to be abandoned or is no longer to be used, it shall be removed by the current owner. The plan shall demonstrate how the removal of all infrastructure and the restoration of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include a timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall take into account inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the municipality may remove the system, restore the property, and impose a lien on the property to cover the cost recovery to the municipality.

8.) Special Use Permit Standards for Large-Scale Solar Energy Systems.

- a. Height and Setback: Large-Scale Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district.
- b. Lot Size: Large-Scale Energy Systems shall be located on lots with a minimum lot size of 5 acre.
- c. Lot Coverage. A Large-Scale Solar Energy System that is ground-mounted shall not exceed 20% of the lot on which it is installed. The surface area covered by Solar Panels shall be included in total lot coverage. This lot coverage shall include all structures located on the parcel. A Large-Scale Solar Energy System is permitted as a primary structure in any commercially zoned property. The Town Board shall consider issuance of a Special Use permit in any residential district.

- d. All Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Fencing shall be in compliance with the current town requirements. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing, with at least one sign facing each adjoining property. The type of fencing shall be as determined by the Town of Webster in conformance with Section 225-77. The fencing and the system may be further screened by landscaping as needed to avoid adverse aesthetic impacts.
- e. Any application under this Section shall meet any substantive provisions contained in local site plan requirements (Chapter 228) in the zoning code that, in the judgment of the Commissioner of Public Works, are applicable to the system being proposed.
- f. The Town Board may impose conditions on its approval of any Special Use Permit under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

9.) Abandonment and Decommissioning

- a. Solar Energy Systems are considered abandoned when the Code Enforcement Officer determines the site and system has not been maintained, is a safety risk, or after one year without electrical energy generation and must be removed from the property. Applications for extensions shall be reviewed by the Town Board for a period of one year.
- b. All appeals of any decision by the Town of Webster shall be directed to the Zoning Board of Appeals.
- c. Any violation of this Solar Energy Law shall be subject to the same civil and criminal penalties provided for in the zoning regulations of Town of Webster.

10.) Severability

- a. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phrase, which shall remain in full force and effect.

(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. 3 of 20 16 of the ~~(County)(City)(Town)(Village)~~ of Webster was duly passed by the Town Board on November 17, 2016, 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.

Barbara J. Ottenshot

Clerk of the County Legislative Body, City, Town or Village Clerk or officer designated by local legislative body

Date: November 21, 2016

(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 Monroe

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.

Charles J. Genese

Signature Charles J. Genese
Town Attorney

Title

County _____
City of Webster
Town _____
Village _____

Date: November 22, 2016