

Town of Grand Island
Local Law Intro No. __ of 2016
Local Law No. __ of 2017
A Local Law to regulate Solar Energy Facilities in the Town

Be it hereby enacted by the Town Board of the Town of Grand Island as follows:

SECTION 1: Chapter 407 of the Town Code of the Town of Grand Island is amended to add the following section:

407- 165.1 Solar Energy Facilities

A. PURPOSE

1. This Article aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and convenience of access necessary therefore, and to balance the potential impact on neighbors when solar collectors may be installed near their property while preserving the rights of property owners to install solar energy systems without excess regulation. In particular, this legislation is intended to apply to free standing; ground mounted or pole mounted solar energy system installations based upon certain placement. This legislation is not intended to override agricultural exemptions that are currently in place.

B: DEFINITIONS

ALTERNATIVE ENERGY SYSTEMS: Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.

BUILDING-INTERGRATED PHOTOVOLTAIC (BIPV): The incorporation of photovoltaic (PV) material into a building's envelope. Technologies include PV shingles or tiles, PV laminates, and PV glass. Examples of placement include vertical facades, semi-transparent skylights, awnings, fixed awnings, and roofs.

COLLECTIVE SOLAR: Installations of Solar Energy Systems that are owned collectively through a homeowner's association, "adopt-a-solar-panel" programs, or other similar arrangements.

GROUND-MOUNTED SYSTEM: A solar energy system that is anchored to the ground and attached to a pole or similar mounting system, detached from any other structure.

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 entity, but also may be for on-site use. Solar farm facilities consist of one or more freestanding GROUND-MOUNTED or ROOF-MOUNTED solar collector devices,

MINOR OR ACCESSORY SOLAR COLLECTION SYSTEM: A solar photovoltaic cell, panel, array, 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, Minor solar collection systems may consist of BUILDING-INTERGRATED PHOTOVOLTAICS, GROUND-MOUNTED or ROOF-MOUNTED solar collector devices.

ROOF-MOUNTED 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 ACCESS: Space that is open to the sun and clear of overhangs or shade. Structures constructed on private property will not infringe on the rights of adjacent properties.

SOLAR ENERGY 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.

SOLAR ENERGY EQUIPMENT/SYSTEMS: Energy storage devices, material, hardware, or electrical equipment and conduit associated with the production of electrical energy.

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

C: APPLICABILITY

1. The requirements of this section shall apply to all solar energy systems installed or modified after the effective date of this ordinance, excluding general maintenance and repair.
2. Solar energy system installations for which a valid building permit has been issued or, if no building permit is presently required, for which installation has commenced before the effective date of this local law shall not be required to meet the requirements herein.
3. All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Uniform Fire Prevention and Building Code Act and the Town Code.
4. Nothing contained in this provision shall be construed to prohibit “Collective Solar” installations or the sale of excess power through a “net billing” or “net metering” arrangement in accordance with New York State Public Service Law § 66-j or similar New York State or federal law or regulation.

D: SOLAR COLLECTORS AND INSTALLATIONS FOR MINOR SYSTEMS

1. Roof-mounted systems are permitted as accessory uses in all zoning districts, subject to the following requirements:

- a) The distance between the roof and highest edge of the system shall be in accordance with the New York State Uniform Fire Prevention and Building Code.
 - b) Rooftop and building-mounted solar collectors shall not obstruct solar access to adjacent properties.
2. Ground-mounted and freestanding solar collectors are permitted as accessory structures in all zoning districts, 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 solar collectors are located in a side or rear yard. If the side or rear yard is visible from adjacent properties and roads, there shall be a landscape buffer installed.
 - d) Ground-mounted and freestanding solar collectors shall not obstruct solar access to adjacent properties.
2. 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 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.
3. 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 Uniform Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of Erie County and other applicable laws and regulations.

E: MAJOR SOLAR SYSTEMS

1. **Major Solar Systems** are permitted through the issuance of a special use permit and site plan review in accordance with this Chapter in the M-1, M-2, R1-A, R1-B, R1-C, and R1-D Districts. The minimum lot size required is five acres in the M-1 and M-2 Districts, twenty-five acres in the R-1A District, and fifteen acres in the R1-B, R1-C, and R1-D Districts. In addition, Major Solar Systems must meet the criteria set forth below.
2. A **Major Solar System** may be permitted M-1, M-2, R1-A, R1-B, R1-C, and R1-D Districts when authorized by site plan review and special use permit issued in accordance with this Chapter, subject to the following additional terms and conditions.
 - a) The total coverage on a lot, including freestanding solar panels, shall not exceed 80%.
 - b) Height and setback restrictions.
 - i. The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed 20 feet in height above the ground.
 - ii. The minimum setback from property lines shall be 25 feet, unless adjacent to residential neighbor.

- iii. A landscaped buffer of trees, shrubs or bushes shall be provided around all equipment and solar collectors to provide screening from adjacent residential properties and roads.
 - c) Design standards.
 - i. Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property.
 - ii. Removal of any prime agricultural soil from the subject parcel is prohibited.
 - iii. Proposed major solar systems shall not negatively impact the viability of prime agricultural soils on-site.
 - iv. 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.
 - v. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
 - vi. Solar collectors and other facilities shall be designed and located in order to minimize reflective glare and/or glint toward any inhabited buildings on adjacent properties and roads.
 - vii. All mechanical 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.
 - viii. Major systems or solar farms shall not obstruct solar access to adjacent properties.
 - d) Signs.
 - i. 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.
 - ii. A clearly visible warning sign concerning voltage must be placed at the base of all pad- mounted transformers and substations not to exceed four square feet.
3. A piece of equipment meets the definition of oil-filled operational equipment at 40 CFR part 112.2 (e.g. transformers, capacitors and electrical switches) shall comply with the secondary containment procedures of that regulation.

F. SPECIAL USE PERMIT REQUIREMENTS

1. In addition to the other special use permit requirements of this Code, the following shall be provided to the Town
 - a) Verification of utility notification. Any foreseeable infrastructure upgrades shall be documented and submitted. Off-grid systems are exempt from this requirement.
 - b) Name, address, and contact information of the applicant, property owner(s), and agent submitting the project.
 - c) 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.

- d) Site Plan: Site plan approval is required.
- e) Blueprints signed by a Professional Engineer or Registered Architect of the solar installation showing the layout of the system.
- f) Property Operation and Maintenance Plan: A property operation and maintenance plan is required, describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, etc.
- g) Waiver: The Town Board may, in its discretion, waive the requirements of this section for a Large-Scale System that it believes is harmonious with land uses in the area where it is proposed to built and where, because of its size or other considerations, the Town Board believes that it does not need to be subjected to the special use permit and site plan regulations imposed by this section. This waiver may be a partial waiver, allowing the Town Board to require a Large-Scale Solar System to comply with individual requirements found in this section. Nothing in this section shall limit the power of the Zoning Board of Appeals to grant variances.

SECTION 2: SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Grand Island hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 3: REPEAL

All ordinances, local laws, and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 4: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.