

***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 Virgil

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 Virgil as follows:

**§1. Purpose**

The Virgil 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 local law, to minimize adverse impacts on neighboring properties and protect the public health, safety and welfare.

**§2. Definitions**

The Zoning Law of the Town of Virgil (Local Law No. 1 of 2007) which became effective on February 26, 2007 upon being filed by the Secretary of State is hereby amended. Article II, Section 105 is hereby 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 entity, 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. The following new Article XVI Solar Energy Systems is added to the zoning law.**

#### **Section 1601. Solar collectors and installations for minor systems**

- A. Roof top mounted solar collectors for minor systems are permitted in any zoning districts in the Town.
- B. Ground-mounted and freestanding solar collectors for minor systems are permitted as accessory structures in all zoning districts of the Town, subject to the following requirements:
  - (1) The location of the solar collectors meets all applicable setback requirements of the zone in which they are located.
  - (2) The height of the solar collectors and any mounts shall not exceed the height restrictions of the zone when oriented at maximum tilt.
  - (3) 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.
  - (4) A building permit has been obtained for the solar collectors.
  - (5) The solar collectors are located in a side or rear yard.
  - (6) 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.
- C. Site plan approval is required pursuant to zoning law Article XIII. Any site plan review shall include review of the adequacy, location, arrangement, size, design, impacts to aesthetic resources, and general site compatibility of proposed solar collectors.
- D. Construction shall be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards. Prior to operation the electrical connections shall 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 shall be subject to inspection by the appropriate public utility.
- E. When solar storage batteries are included as part of the solar collector system, they shall 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.

- F. 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.

### **Section 1602. Solar collectors and installations for major systems or solar farms**

- A. Where applicable, and unless more restrictive regulations also apply, the requirements of § 3 of this Article shall apply to solar collectors and installations for major systems or solar farms.
- B. A major system or solar farm may be constructed subject to obtaining a special permit from the town board. Issuance of a special permit shall be in the sole discretion of the town board. Any application regarding major solar systems shall include detailed soils maps.
- C. The following areas must be avoided:
- (1) One-hundred-year flood hazard zones
  - (2) Historic and/or culturally significant resources in an historic district or historic district transition zone.
  - (3) Any regulated freshwater wetland.
- D. A major system or solar farm may be permitted in any zone in the town when authorized by the town board subject to the following terms and conditions.
- (1) The total coverage of all buildings and structures on a lot, including freestanding solar panels, shall not exceed 50%.
  - (2) Height and setback restrictions.
    - (a) 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.
    - (b) The minimum setback from property lines for fences and solar equipment shall be 50 feet from the center of a road or the property line, whichever is greater..
    - (c) A landscaped buffer shall be provided around all equipment and solar collectors to provide screening from adjacent residential properties and roads, as needed.
  - (3) Design standards.
    - (a) Removal of trees and other existing vegetation shall be minimized or offset with planting elsewhere on the property.
    - (b) Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize soil compaction.
    - (c) All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
    - (d) Solar collectors and other facilities shall be designed and located in order to minimize reflective glare toward any inhabited buildings on adjacent properties and roads.
    - (e) All solar equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum six-foot-high fence with a secure gate and shall be provided with landscaping.
  - (4) Signs.

- (a) 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.
- (5) A clearly visible warning/disconnect sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
- (6) Abandonment.
- (a) 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.
  - (b) If the applicant begins but does not complete construction of the project within 12 months after receiving special permit approval, this may be deemed abandonment of the project and require implementation of the decommissioning plan to the extent applicable.
  - (c) 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.
  - (d) In the event the facility is not completed and functioning within 12 months of the issuance of the special permit, 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 fail 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.
  - (e) 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.
  - (f) 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. Any and all costs 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.

**Section 1603.** 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.

**Section 1604.** The Town Board shall have the authority to set application fees by resolution.

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