



TOWN OF ULYSSES

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LOCAL LAW NO. 3 OF 2015:

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF ULYSSES, CHAPTER 212 TO ADD SOLAR ENERGY SYSTEMS DEFINITIONS, ALLOWANCES IN ZONING DISTRICTS AND STANDARDS

Section 1.

The purpose of this local law is to facilitate the development and operation of renewable energy systems based on sunlight, because it is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life, in accordance with the Town of Ulysses Comprehensive Plan. 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.

The Code of the Town of Ulysses, Chapter 212 shall be amended to read as follows:

Section 2. Section 212-22 of Chapter 212, Definitions, of the Code of the Town of Ulysses is hereby amended to add the following definitions:

MAJOR SOLAR COLLECTION SYSTEM or MAJOR SYSTEM

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.

Facilities consist of one or more 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. Major solar collection systems are defined as ground-mounted accessory systems with a total surface area greater than 2,000 square feet.

MINOR SOLAR COLLECTION SYSTEM or MINOR 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, accessory to the use of the premises for other lawful purposes. Minor solar collection systems are defined as roof- or building-mounted solar collectors greater than 60 square feet on any code-compliant structure, and ground-mounted solar collectors with the total surface area greater than 60 square feet and less than 2,000 square feet.

Section 3. Article V § 212-26. Permitted accessory uses is hereby amended to add a new section § 212-26 L as follows:

§ 212-26 L. Minor solar collection system subject to the provisions of Article XX, § 212-139.1.

Section 4. Article V § 212-27. Uses allowed by site plan approval is hereby amended to add a new section § 212-27 G as follows:

§ 212-27 G. Major solar collection system subject to the provisions of Article XX, § 212-139.2.

Section 5. Article VI § 212-31. Permitted uses is hereby amended to add a new section § 212-31 P as follows:

§ 212-31 P. Major solar collection system subject to the provisions of Article XX, § 212-139.2.
Section 6. Article VI § 212-32. Permitted accessory uses is hereby amended to add a new section § 212-32 C as follows:

§ 212-32 C. Minor solar collection system subject to the provisions of Article XX, § 212-139.1.
Section 7. Article VII § 212-37. Permitted accessory uses is hereby amended to add a new section § 212-37 L as follows:

§ 212-37 L. Minor solar collection system subject to the provisions of Article XX, § 212-139.1.
Section 8. Article VII § 212-38. Uses allowed by site plan approval is hereby amended to add a new section § 212-38 J as follows:

§ 212-38 J. Major solar collection system subject to the provisions of Article XX, § 212-139.2.
Section 9. Article VIII § 212-44. Permitted accessory uses is hereby amended to add a new section § 212-44 L as follows:

§ 212-44 L. Minor solar collection system subject to the provisions of Article XX, § 212-139.1.
Section 10. Article VIII § 212-45. Uses allowed by site plan approval is hereby amended to add a new section § 212-45 K as follows:

§ 212-45 K. Major solar collection system subject to the provisions of Article XX, § 212-139.2.
Section 11. Article IX § 212-51. Permitted accessory uses is hereby amended to add a new section § 212-51 A (5) as follows:

§ 212-51 A (5). Minor solar collection system subject to the provisions of Article XX, § 212-139.1.
Section 12. Article X § 212-58. Permitted uses is hereby amended to add a new section § 212-58 A (6) as follows:

§ 212-58 A (6). Major solar collection system subject to the provisions of Article XX, § 212-139.2.

Section 13. Article X § 212-59. Permitted accessory uses is hereby amended to add a new section § 212-59 A (9) as follows:

§ 212-59 A (9). Minor solar collection system subject to the provisions of Article XX, § 212-139.1.

Section 14. Article XI § 212-65. Permitted uses is hereby amended to add a new section § 212-65 E as follows:

§ 212-65 E. Major solar collection system subject to the provisions of Article XX, § 212-139.2.

Section 15. Article XI § 212-66. Permitted accessory uses is hereby amended to add a new section § 212-66 G as follows:

§ 212-66 G. Minor solar collection system subject to the provisions of Article XX, § 212-139.1.

Section 16. Article XII § 212-71. Permitted uses is hereby amended to add a new section § 212-71 F as follows:

§ 212-71 F. Major solar collection system subject to the provisions of Article XX, § 212-139.2.

Section 17. Article XII § 212-72. Permitted accessory uses is hereby amended to add a new section § 212-72 I as follows:

§ 212-72 I. Minor solar collection system subject to the provisions of Article XX, § 212-139.1.

Section 18. Article XIII § 212-78. Permitted accessory uses is hereby amended to add a new section § 212-78 M as follows:

§ 212-78 M. Minor solar collection system subject to the provisions of Article XX, § 212-139.1.

Section 19. Article XIII § 212-79. Uses allowed by site plan approval is hereby amended to add a new section § 212-79 M as follows:

§ 212-79 M. Major solar collection system subject to the provisions of Article XX, § 212-139.2.

Section 20. Article XIV § 212-84. Permitted uses is hereby amended to add a new section § 212-84 C as follows:

§ 212-84 C. Major solar collection system subject to the provisions of Article XX, § 212-139.2.

Section 21. Article XIV § 212-85. Permitted accessory uses is hereby amended to add a new section § 212-85 K as follows:

§ 212-85 K. Minor solar collection system subject to the provisions of Article XX, § 212-139.1.

Section 22. Article XV § 212-89. Permitted uses is hereby amended to add a new section § 212-89 Z as follows:

§ 212-89 Z. Major solar collection system subject to the provisions of Article XX, § 212-139.2.

Section 23. Article XV § 212-90. Permitted accessory uses is hereby amended to add a new section § 212-90 F as follows:

§ 212-90 F. Minor solar collection system subject to the provisions of Article XX, § 212-139.1.

Section 24. Article XVI § 212-97. Permitted accessory uses is hereby amended to add a new section § 212-97 I as follows:

§ 212-97 I. Minor solar collection system subject to the provisions of Article XX, § 212-139.1.

Section 25. Article XVII § 212-104. Permitted uses is hereby amended to add a new section § 212-104 N as follows:

§ 212-104 N. Major solar collection system subject to the provisions of Article XX, § 212-139.2.

Section 26. Article XVII § 212-105. Permitted accessory uses is hereby amended to add a new section § 212-105 H as follows:

§ 212-105 H. Minor solar collection system subject to the provisions of Article XX, § 212-139.1.

Section 27. Article XVIII § 212-113. Permitted accessory uses is hereby amended to add a new section § 212-113 F as follows:

§ 212-113 F. Minor solar collection system subject to the provisions of Article XX, § 212-139.1.

Section 28. Article XX of Chapter 212 is hereby amended to add a new section following § 212-139, to be known as § 212-139.1 as follows:

§ 212-139.1. Standards for minor solar collection systems.

- A. Rooftop- and building-mounted solar collectors are permitted in all zoning districts in the Town. Building permits shall be required for all rooftop- and building-mounted solar collectors.**
- B. Ground-mounted solar collectors 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. The minimum setback to an inhabited structure on an adjacent lot shall be 50 feet.**
 - 2) The height of the solar collectors and any mounts shall not exceed 20 feet in height when oriented at maximum tilt.**
 - 3) The total surface area of all solar collectors on the lot shall not exceed 2,000 square feet and, when combined with all other buildings and structures on the lot, shall not exceed the maximum lot coverage for the zoning district plus ten (10) percent.**
 - 4) A building permit has been obtained for the solar collectors.**
 - 5) The solar collectors are permitted in the side and rear yards. Solar collectors are permitted in the front yard upon determination by the Zoning Officer that the side and**

rear yards would provide limited solar collection. Zoning Officer reserves the right to require site plan approval for solar collectors located in the front yard.

- 6) 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.
- C. Where site plan approval is required elsewhere in the regulations of the Town for a development or activity, the site plan review shall include review of the adequacy, location, arrangement, size, design, and general site compatibility of proposed solar collectors. Where a site plan exists, an approved modified site plan shall be required if any of the thresholds specified in § 212-19(K) of the Town Code are met, including but not limited to proposed changes to or additions of ground-mounted solar collectors where such changes or additions meet a § 212-19(K) threshold. Proposed changes to or additions of rooftop or building-mounted solar collectors shall not be considered in the determination of whether a site plan modification is required.
- D. 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.
- E. 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 Tompkins County and other applicable laws and regulations.

Section 29. Article XX of Chapter 212 is hereby amended to add a new section following § 212-139.1, to be known as § 212-139.2 as follows:

§ 212-139.2. Standards for major solar collection systems.

- A. Where applicable, and unless more restrictive regulations also apply, the requirements of § 212-139.1 of this chapter shall apply to solar collectors and installations for major systems.
- B. A major system may be permitted in all zoning districts, except LS-Lakeshore, MD-Marina, and PR-Park/Recreation. Major systems that are part of a farm operation [as defined by NYS Agriculture and Markets Law §301(11)] are exempt from site plan approval if the solar collection system does not exceed 110% of the anticipated electrical needs of the on-farm equipment. All major systems require site plan approval from the Planning Board and are subject to the terms and conditions listed below.
 - 1) Height and setback restrictions.
 - a. The maximum height for ground-mounted 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.
 - b. The minimum side yard and rear setback shall be 25 feet; the minimum front yard setback shall be 50 feet. The minimum setback to an inhabited structure on an adjacent lot shall be 50 feet.

c. Based on site specific conditions, including topography, adjacent structures, and roadways, a landscaped buffer may be required around all equipment and solar collectors to provide screening from adjacent residential properties and roads but should not result in shading solar collectors.

2) Design standards.

a. Removal of trees and other existing vegetation shall be minimized, and offset with planting elsewhere on the property if the proposed vegetation does not shade solar collectors.

b. Roadways within the site shall be constructed of materials appropriate to the site and shall be designed to minimize the extent of roadways constructed and 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 electrical 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.

f. A major solar collection system to be connected to the utility grid shall provide documentation from the utility company acknowledging the major solar collection system will be connected to the utility grid in order to sell electricity to the public utility.

3) 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.

b. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

c. Solar collection systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system.

4) Areas of Potential Sensitivity shall be shown on site plans and shall be given special consideration by the Planning Board at site plan review, those areas consist of the following:

a. One-hundred-year flood hazard zones considered an A or AE Zone on the FEMA Flood Maps.

b. Historic and/or culturally significant resources in an historic district or historic district transition zone.

c. Within 100 feet landward of a freshwater wetland.

d. Adjacent to, or within, the control zone of any airport.

e. State owned lands.

f. Unique Natural Areas.

- g. Properties with Conservation Easements or owned by a land conservation organization.
 - h. Public trails, including the Black Diamond Trail.
 - i. Prime Soils and Soils of Statewide Importance, as defined by United States Department of Agriculture.
- 5) **Property Operation and Maintenance Plan.** A property operation and maintenance plan is required, describing continuing solar collection system maintenance and property upkeep, such as mowing and trimming.
- 6) **Abandonment.**
- a. All applications for a major solar collection system 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. 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 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.
 - 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:
 - i. Removal of aboveground and below-ground equipment, structures and foundations.
 - ii. Restoration of the surface grade and soil after removal of equipment.
 - iii. Revegetation of restored soil areas with native seed mixes, excluding any invasive species.
 - iv. The plan shall include a time frame for the completion of site restoration work.
 - d. Upon cessation of activity of a constructed facility for a period of one year, the owner and/or operator shall implement the decommissioning plan.
 - e. If the owner and/or operator fails to fully implement the decommissioning plan within the 180-day after the cessation of activity, the Town may, at its discretion, provide for the restoration of the site in accordance with the decommissioning plan, following the procedure outlined in §212-4.

Section 30. Effective date.

This local law shall take effect upon filing with the Secretary of State.

Section 31.

The provisions of this local law are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part or provision of this local law is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections clauses, sentences, parts, or provisions of the Local Law.

Section 32.

This local law shall supersede or repeal any prior inconsistent Local Law.

