

Town of Collins ZONING

ARTICLE VIII - Supplementary Regulations

§305-45.1 Solar Energy Systems

A. Authority

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

B. Purpose

It is in the public interest to provide for and encourage renewable energy systems. The purpose of this chapter is to facilitate the development and operation of renewable energy systems based on sunlight.

However, the Town of Collins recognizes a growing need to properly site energy systems within the Town to protect agricultural, residential, and business areas and to protect the health, safety, and general welfare of the citizens of Collins.

C. Definitions

APPLICANT —Any person or entity filing an application and seeking approval under this Article. When the term "applicant" or "owner" or "operator" is used in this Section, said term shall include any person acting as an applicant, owner, or operator.

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV)—A Combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent 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 similar mounting system, detached from any other structure for the primary purpose of producing electricity for onsite consumption.

LARGE or UTILITY SCALE SOLAR ENERGY SYSTEM – Solar energy systems located on land primarily to convert solar energy into electricity for offsite energy consumption. The intent of this energy system is to supply energy into a utility grid for sale to the general public.

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 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.

D. Applicability

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 and Building-Integrated photovoltaic systems..

E. Districts Where Permitted

- (1) Rooftop-mounted solar energy systems are permitted in ***all zoning districts*** in the Town of Collins.
- (2) Ground mounted systems are permitted in ***all zoning districts*** as accessory structures.
- (3) Large scale or utility scale systems are permitted only in the **Residential-Agricultural (RA)** district.

F. General Regulations

The placement, construction, and major modification of all solar energy systems within the boundaries of the Town of Collins shall be permitted only as follows:

- (1) Rooftop-mounted solar energy systems upon issuance of a building permit based on application information supplied by the Town's Code Enforcement Officer.
- (2) Ground-mounted solar energy systems upon issuance of a building permit based on application information supplied by the Town's Code Enforcement Officer.
- (3) Large or Utility Scale Solar Energy Systems will require a **Special Use Permit** in addition to the requirements set forth in this local law.
- (4) All solar energy systems shall adhere to all applicable federal, state, county, and Town of Collins laws, regulations, and building, plumbing electrical, and fire codes.
- (5) No element of the Solar Energy System shall reflect sunlight as glare or glint onto a neighboring property, public right of way, or aircraft flight path.

G. Roof Mounted Solar Energy Systems

- (1) 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.
- (2) Aesthetics. Roof Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirements:
 - a. Panels 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 highest edge of the system.

H. Ground Mounted Solar Energy Systems

Ground-mounted solar energy systems shall be subject to the following requirements:

- (1) Ground Mounted Solar Energy Systems that use the electricity primarily onsite are permitted as accessory structures in the Town of Collins.
- (2) Location shall be no closer than twice the standard setback requirements for an accessory structure in which the system is located;
- (3) Location of the system shall be only in the side or rear yard;
- (4) Orientation of the said solar energy system shall not be pointed at any adjoining residential dwelling.
- (5) Systems are limited to 50 percent for lot coverage. The surface of ground-mounted solar panels shall be included in lot coverage and impervious surface calculations.

I. Large or Utility Scale Solar Energy Systems

Large or utility scale solar energy systems are permitted through the issuance of a Special Use Permit within the Residential Agricultural (RA) district in the Town of Collins in addition to the requirements set forth in this law.

- (1) Large or utility scale systems shall adhere to the height and setback requirements of the underlying zoning district. Additional restrictions may be imposed during the Special Use Permit process.
- (2) Large scale systems shall be located only on lots with a minimum size of ten acres.
- (3) Lot Coverage. Systems are limited to 50 percent for lot coverage. The surface of ground mounted solar panels shall be included in lot coverage and impervious surface calculations
- (4) All large size solar energy systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and the perimeter of the fencing. The height and type of fencing shall be determined by the Special Use Permit process. The Special Use Permit shall also determine the size and location of perimeter signage.
- (5) On site electrical interconnection lines and distribution lines shall be placed underground, unless otherwise required by the utility.
- (6) The removal of existing vegetation is limited to the extent necessary for the construction and maintenance of the solar installation.

J. Special Use Permit Requirements

The applicant for a Special Use Permit must provide the following information unless waived by the approving board.

- (1) Verification of utility notification. Foreseeable infrastructure upgrades shall be documented and submitted. Off grid systems are exempt from this requirement.
- (2) Name and address and contact information of the applicant, property owner(s), and agent submitting the proposed project.
- (3) If the property of the proposed project is to be leased, legal consent among all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
- (4) Application to the Town of Collins Planning Board must be made and site plan approval granted from that board.
- (5) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
- (6) A property operation and maintenance plan is required describing continuing photovoltaic maintenance and property upkeep including mowing, trimming, etc.
- (7) The Town of Collins 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).
- (8) To insure proper removal of large scale systems a decommissioning plan shall be required. The plan is to include removal of all infrastructures and the remediation of soil and vegetation back to its original state prior to construction, unless otherwise permitted. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a Professional Engineer or licensed contractor. Inflation shall be taken into account in the cost estimates.

Further, the Collins Town Board reserves the right to submit all plans, drawings, documents etc. to an engineering firm of its choosing for review with the costs of said review to be the responsibility of the applicant or his/her representative(s).

K. Abandonment and Decommissioning

Solar Energy Systems are considered abandoned after two years without electrical generation and must be removed from the property. Applications for extensions are reviewed by the Planning Board for a period of one year.

The Collins Town Board reserves the right to require a form of surety through escrow or bond, or the equivalency of, prior to the commencement of construction to cover the cost of decommissioning the site.

If the utility-scale solar energy system is not decommissioned after being considered abandoned, the Town of Collins may remove the system, restore the property, and impose a lien on the property to cover all the costs.

L. Enforcement

Any violation of this Solar Energy Law shall be subject to the same civil and criminal penalties provided for in the zoning regulations of the Town of Collins.

M. Severability

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 force and effect.