

Solar Energy

Purpose and Intent

- A. *The purpose of this section is to provide requirements for and limitations on the installation and use of solar energy systems and to provide the opportunity to utilize solar energy systems and equipment. This section does not repeal, annul, impair, or interfere with any existing ordinance or local law.*
- B. *The Town of Pavilion intends to accommodate the use of solar energy systems to provide a cleaner energy source. Solar energy is a renewable and non-polluting energy resource that can prevent fossil fuel emissions and reduce a municipality's demand for energy produced by other methods.*

Definitions

As used in this section, the following terms shall have meanings as indicated:

Setback: The distance from a front, side or rear lot line to the portion of that lot where a solar energy system is installed. No solar energy systems shall be permitted on the front-facing side of any building or within the setbacks required by the applicable zoning district.

Solar energy system: A system that uses photovoltaic equipment to convert solar energy into electricity. Examples of solar energy systems include flush-mounted solar panels installed on the roof of a building, and freestanding or ground-mounted solar panels supported by posts fixed to the ground and not attached to an existing building.

Solar farm: An area of land used primarily for the purpose of producing electricity by means of a solar energy system.

Applicability

- A. *The requirements of this section shall apply to all solar energy systems modified or installed after the effective date of this section.*
- B. *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 Code and the Town of Pavilion Code.*

Where Allowed

Solar energy systems and solar farms may only be located in the following zoning districts with the approval and issuance of a Special Use Permit:

Agricultural Residential 1

Agricultural Residential 2

Commercial

Industrial

Exception: Ground mounted solar units within the hamlet not exceeding 15 feet in height strictly used for residential purposes for onsite residential solar and rooftop solar units in any other district strictly for the residential purpose for onsite residential solar shall be considered an accessory to the primary use and not require a Special Use permit.

Compliance

It is unlawful for any person to construct or install a solar energy system that is not in compliance with this section or with any condition contained in a special use permit or zoning permit issued pursuant to this section.

Permits Required

1. *Special Use Permit. A special use permit is required in all zoning districts for freestanding or ground-mounted solar energy systems, including solar farms, within the Town of Pavilion.*

Exception: Ground mounted and rooftop solar units strictly for the residential purpose for onsite residential solar shall be considered an accessory to the primary use and not require a Special Use permit.

2. *Zoning Permit. A zoning permit is required for all solar energy systems prior to installation and construction within the Town of Pavilion.*

3. *Building Permit.* A building permit is required for buildings or structures associated with solar energy systems if required.

Special Use Permit Considerations

In addition to those criteria set forth under other sections of this chapter, the Planning Board shall consider the following factors when setting conditions upon a special use permit issued for a solar energy system within the Town of Pavilion.

1. *Ingress and egress.*
2. *Size and location of panels.*
3. *Nature of land use on adjacent and nearby properties.*
4. *Location of other solar energy systems in the surrounding area.*
5. *Topography.*
6. *Proximity to residential structures.*
7. *Design characteristics.*
8. *Possible adverse effects on wildlife.*
9. *Glare and reflectivity issues.*
10. *Any other factors that are relevant to the proposed system.*

Design Standards

Height. Systems, equipment and structures shall not exceed the maximum height allowed in the applicable zoning district as set forth in Zoning Schedule A of the Town of Pavilion code.

Residential Solar shall not exceed 110% of such proposed use.

Size. The size of a solar energy system or solar farm shall not exceed 20 acres.

Setbacks. A solar farm shall comply with the setback requirements of the zoning district in which it is located.

Distribution Lines. New electricity distribution lines may be located above or below ground.

Approval. All components must have a UL listing or equivalent.

Compliance. All solar energy systems shall meet the requirements of the New York State Uniform Code.

Abandonment. It is the responsibility of the property owner to remove all obsolete or unused solar energy systems within 12 months of cessation of operations. Reusable components are to be recycled whenever feasible.

Decommissioning Bond. A decommissioning bond shall be required prior to issuance of a special use permit for a non-residential solar energy system. Decommissioning Bonds shall be reviewed and approved by the Towns attorney prior to final approval of all solar farms. The decommissioning bond shall be made out to the Town of Pavilion in the amount specified by the Town Planning Board after consultation with the Town Attorney. The decommissioning bond is to be used by the Town for remediation in the event that all obsolete or unused solar energy systems or solar farm components are not removed within 12 months of the cessation of operations as required.

Security. A security fence shall surround the perimeter of a solar farm.

Property Maintenance Code. Solar farms shall adhere to all standards set forth by the New York State Property Maintenance Code and all applicable New York State Uniform Codes.

Accessibility. The site of a solar energy system shall be accessible for all emergency service vehicles.

Signage. All signage shall be prohibited on a solar farm or its fencing except as authorized in a special use permit. Penalties. Any person, firm, corporation or entity which may violate any provisions of this chapter shall be guilty of violation and, upon conviction thereof, shall be subject to the penalties set forth by New York Town Law section 268 and in accordance with section 809 of the Town of Pavilion Zoning Ordinance. Any person, firm, corporation or entity which may violate any provisions of this chapter shall become liable to the Town for any actual expense or loss or damage occasioned by the Town by reason of such violation; in addition to any actual losses or damages sustained by the Town, such expense shall also include, but not limited to, statutory costs, disbursements and reasonable attorney's fees in the event that an action is commenced to enforce this chapter. The imposition of penalties herein prescribed shall not preclude the Town or any person from instituting appropriate legal action or proceedings to prevent a violation of this chapter or to restrain or enjoin the use of occupancy of premises or any part thereof in violation of this chapter.