

Local Law Filing

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(Use this form to file a local law with the Secretary of State.)

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.

County City Town Village

of CAIRO

FILED
STATE RECORDS

FEB 21 2017

Local Law No. 1

of the year 2017

DEPARTMENT OF STATE

AMENDING ZONING LAW TO CREATE REGULATION AND APPROVAL

A local law

(Insert Title)

STANDARDS FOR SOLAR ENERGY ARRAYS

TOWN BOARD

Be It enacted by the _____ of the

(Name of Legislative Body)

County City Town Village

of CAIRO as follows:

PLEASE SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2016 of the (County)(City)(Town)(Village) of CAIRO was duly passed by the TOWN BOARD on February 6, 2017, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____ and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 _____ in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20 _____ Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 _____ in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20 _____ Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____ in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

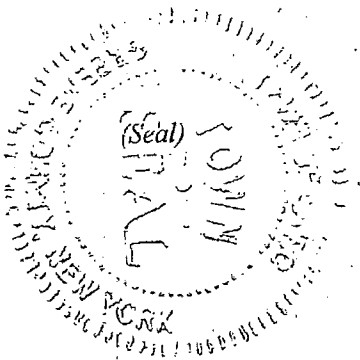
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 _____, above.

Laura B. Rumpf

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Date: _____ February 6, 2017 _____



TOWN OF CAIRO LOCAL LAW NUMBER 1 OF 2017
AMENDING ZONING LAW TO CREATE REGULATION AND APPROVAL STANDARDS
FOR SOLAR ENERGY ARRAYS

SECTION XII - UTILITIES

C. Solar Energy Generation Arrays.

1. **Purpose and Intent:** The town board recognizes that solar energy is a renewable energy source that may reduce fossil fuel emissions and energy generated from solar energy systems can be used to offset energy demand on the grid. The board further recognizes that solar arrays have a potential impact on neighbors. The purpose of these regulations is to balance the rights of property owners to install solar arrays against their potential negative impact on neighbors.
2. **Definitions:**
 - (a) **Solar Array:** Any structure or arrangement of materials designed to capture energy emanated from the sun and convert it into heat or electrical energy or electricity.
 - (b) **Private Solar Array:** A solar array with an energy generation capacity designed to service only the property on which it is installed. A private solar array is designed to service only the residence or business and accessory structures associated with the residence or business to which the solar array is installed. Any excess energy generated that is sold or returned back into the energy grid is only an incidental consequence and not a design purpose of the solar array.
 - (c) **Commercial Solar Array:** A solar array with an energy generation capacity designed to sell or return the energy generated back into the energy grid. Any solar array designed to produce more energy than can be consumed by a residence or business on the property on which it is installed, regardless of design output, shall be considered a commercial solar array.
 - (d) **Abandonment:** A commercial solar array is deemed abandoned when it is no longer actively generating electrical energy that is being sold or returned back into the energy grid, and it reasonably appears that the array will not be re-activated to do so. Abandonment is presumed when the applicant, owner or lessee fails to provide the yearly notice as provided for in paragraph 4.(d)(12) of this Section.
3. **Guidelines for Private Solar Arrays.**
 - (a) **General Requirements:** The requirements herein shall apply to all private solar arrays modified, expanded or installed after the effective date of this section.
 - (1) Private solar array installations for which a valid building permit has been properly issued, or for which installation has commenced before the effective date of this section, shall not be required to meet the requirements of this section, except in accordance with Paragraph 3(g), Safety, herein.

- (2) All private solar arrays shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the International Building Code as adopted by New York State.
- (b) Rooftop and flush-mounted solar arrays are permitted in all zoning districts subject to the following conditions:
 - (1) Building permits shall be required for installation of all rooftop and flush-mounted solar arrays.
 - (2) Height limitations for structures found in Table 2, Section V, shall apply.
 - (3) Rooftop and flush-mounted solar arrays are permitted on the following structures:
 - [A] All principal structures.
 - [B] All accessory structures that meet the principal structure setbacks as required in each zoning district.
- (d) Rooftop units must be three feet from any chimney and shall not be permitted on any roof overhangs.
- (e) Any private solar array attached to a pitched roof shall not extend more than three feet from the surface of the angle of the roof.
- (f) Ground-mounted racks and freestanding private solar arrays are prohibited in the MS (Main Street), H-C (Hamlet-Cairo), and H (Hamlet) districts. They are permitted as an accessory structure in all other zoning districts subject to the following conditions:
 - (1) Building permits shall be required for installation of all ground-mounted and freestanding private solar arrays.
 - (2) A special use permit from the Planning Board is required for all ground-mounted racks and freestanding arrays greater than 10 feet in height or greater than 200 square feet in the aggregate in all residential zoning districts. Ground-mounted racks and freestanding arrays shall follow the standard building permit process.
 - (3) All ground-mounted racks and freestanding arrays shall have a maximum height of 20 feet from ground elevation.
 - (4) All ground-mounted racks and freestanding arrays installed in the side or rear yards shall comply with the setback requirements for a principal structure found in Section V, Table 2.
 - (5) Arrays may be installed in any front yard but shall not be less than 75 feet from the front property line and shall require a special use permit.
 - (6) Arrays shall be located in a manner that reasonably minimizes shading of adjacent property while still providing adequate solar access for arrays.
- (g) **Safety.**
 - (1) **Batteries:** If solar storage batteries are included, they must be placed in a secure container or enclosure that meets or exceeds all applicable building and fire codes, rules and regulations. Disposal of solar storage batteries shall comply with all applicable building, fire and environmental codes, rules and regulations.
 - (2) **Glare and heat:** Solar array panels shall be mounted or oriented so that no unreasonable glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated.

4. Guidelines for Commercial Solar Arrays

- (a) **Purpose and intent:** The purpose of these regulations is to provide commercial solar arrays through performance criteria that balance the unique characteristics of each site.
- (b) **General Requirements:** The requirements herein shall apply to all private solar arrays modified, expanded or installed after the effective date of this section.
- (1) **Permitted Districts:** Commercial solar arrays are only allowed in the Rural Residential (RR-1 & RR2), Commercial (Com) and Commercial/mixed use (C-MU) districts.
- (2) **Conflicts of Law:** In any instances where specific permitted uses, area, or height standards, development guidelines and/or review procedures specifically set forth in this section conflict with any other general provision or requirement of this Zoning Law, the particular provisions set forth in this Section shall control.
- (c) **Bulk and Area Requirements.**
- (1) **Height.**
- [A] All commercial solar arrays shall have a maximum height of 20 feet from ground elevation.
- [B] All buildings and accessory structures associated with the commercial solar arrays shall have a maximum height of 35 feet, excluding the solar array.
- (2) **Setback.** All commercial solar arrays and associated buildings, accessory structures and equipment shall have a minimum front yard setback from the centerline of the road of 100 feet and a side and rear yard setback of 75 feet.
- (3) **Lot coverage.**
- [A] Maximum lot coverage for any commercial solar array is limited to 50% of the total lot area.
- [B] Maximum impervious service area for any commercial solar array is limited to a maximum of 25% of the total lot area. Impervious service area shall include any associated buildings, accessory structures and equipment.
- [C] The Planning Board shall have the discretion to reduce the percentages stated in sub-paragraphs A and B above based upon the topographic and/or geographic conditions found on the proposed site.
- (d) **Special Use Permit:** All commercial solar arrays shall require a Special Use Permit in accordance with the provisions of this Zoning law. In addition to any general review criteria, the Planning Board shall review all commercial solar array applications under the following specific design and review criteria.
- (1) **Signage:** All signage shall be provided as part of special use permit/site plan review process and shall comply with the signage provisions of this zoning law.
- (2) **Visual Impact:** Commercial solar arrays shall be sited in a manner to have the least possible practical visual effect on the environment. A visual environmental assessment form (Visual EAF), landscaping plan and visual assessment report, including appropriate modeling and photography assessing the visibility from key viewpoints identified in

the Visual EAF, existing tree lines, surrounding topography, and proposed elevations shall be required.

- (3) **Landscaping and Screening:**
 - [A] Screening and/or earth berms shall be provided to minimize the potential visual impacts associated with the commercial solar arrays and its accessory buildings, structures and/or equipment. Additional landscaping, screening and/or earth berms may be required by the Town Board and/or the Planning Board to mitigate visual and aesthetic impacts.
 - [B] Any associated structure shall be screened, placed underground, depressed, earth bermed or sited below the ridgeline to the greatest extent feasible, particularly in areas of high visibility.
- (4) **Lighting:** A lighting plan shall be required. No commercial solar arrays shall be artificially lighted unless otherwise required by a federal, state or local authority. Exterior lighting may be provided for associated accessory structures and access entrances as may be determined appropriate for security purposes only.
- (5) **Utilities:** The applicant shall provide written confirmation that the electric grid has the capacity to support the energy generated from the commercial solar arrays. Electrical and land-based telephone utilities extended to serve the site shall be underground.
- (6) **Access.** The applicant shall indicate on a site plan all existing and proposed access points to the site, including road, electric power, emergency access, land-based telephone line connection, and other utilities existing and proposed within the property boundaries of the proposed location. Existing roadways shall be used for access to the site whenever possible and determined acceptable by the Planning Board through site plan review.
- (7) **Glare and Heat.** Solar array panels shall be mounted or oriented so that no unreasonable glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated.
- (8) **Ownership.** In the case of an application for a commercial solar array to be located on private lands owned by a party other than the applicant or the Town, a copy of the lease agreement with the property owner shall be filed with the Building Department.
- (9) **Proof of Insurance.** The applicant, owner or lessee of the property where the commercial solar array is to be located shall file with the Building Department proof of insurance in a sufficient dollar amount to cover potential personal and property damage associated with construction and operation thereof.
- (10) **Security Provisions.** The applicant shall provide the Planning Board with a security plan to prevent unauthorized access and vandalism to the commercial solar arrays and for the board to review and modify if necessary, and approve during the site plan review process.
- (11) **Noise.** Noise-producing equipment shall be sited and/or insulated to comply with the noise provisions of this zoning law, and the Town of Cairo Site Plan Review Law.
- (12) **Proof of Ongoing Activity:** Documentation from the utility company, verifying that the commercial solar array is active, shall be provided by the site's owner, lessee or applicant annually, prior to March 31, to the Town Zoning Enforcement Officer. Failure to provide such notice shall be grounds for revocation of the special use permit and/or certificate

of compliance and removal of the solar array and all associated buildings and infrastructure.

(e) **Sureties** The following sureties for construction, maintenance and removal of commercial solar arrays shall be required:

(1) **Construction and Maintenance.** Prior to the issuance of a building permit for the commercial solar arrays and any associated accessory structures, the applicant, owner or lessee shall post a surety in an amount and form acceptable to the Town for the purposes of construction and maintenance. The amount shall be up to 20% of the construction value. Acceptable forms shall include, in order of preference: cash; letter of credit; or a bond that cannot expire; or a combination thereof. Such surety will be used to guarantee compliance with the conditions of the approval for the commercial solar array. If the applicant, owner or lessee of the site fails to comply with any conditions of the approval during construction or as part of the long-term maintenance of the site, all costs the Town incurs to comply with conditions of the approval shall be paid using the surety provided by the applicant, owner or lessee. Failure to comply with the conditions of the approval or to maintain an acceptable level of surety will result in revocation of any or all special use permits, building permits, certificates of occupancy or certificates of compliance.

(2) **Removal of Abandoned Arrays:** The solar panels, including any accessory structures, buildings and/or equipment of any abandoned commercial solar array shall be dismantled and removed from the site. As a condition of the special use permit or certificate of compliance, the applicant, owner or lessee shall post a surety in an amount and form acceptable to the Town for the purposes of removal. The amount shall be up to 20% of the construction cost. Acceptable forms shall include, in order of preference: cash; letter of credit; a bond that cannot expire; or a combination thereof. Such surety will be used to guarantee removal of the commercial solar array should the system be abandoned. When it appears a commercial solar array has been abandoned, the Town's Zoning Enforcement Officer shall provide written notice to the owner, applicant or lessee that posted the bond to remove the commercial solar array, and the person or entity so notified shall have two years from the date of the written notice to remove the commercial solar array panels, together with any associated accessory structures, buildings and/or equipment, and restore the site to a condition approved by the Planning Board. If the owner, applicant or lessee fails to remove any solar array panels, buildings, associated structures or equipment, or fails to restore the site to the condition approved by the Planning Board, all costs the Town incurs in order to do so shall be paid using the surety provided by the applicant.