

**Town of New Hartford, New York
Local Law Introductory "I" of 2017**

A Local Law to Amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, Section 118-74 Solar energy systems, and Attachment 3.3 Schedule A, Permitted uses

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

Section 1. Chapter 118 (Zoning) of the Code of the Town of New Hartford, particularly Section 118-74, Solar energy systems, is hereby repealed and replaced by the following text:

§ 118-74 Solar energy systems.

A. Purpose. The use of solar energy systems/collectors, storage facilities, and distribution components for space heating and cooling, the heating of water, use in industrial, commercial or agricultural processes, and the generation of electricity are recognized as a renewable and nonpolluting energy resource. The purpose of this section is to accommodate solar energy systems/collectors as accessory uses while ensuring that such systems are appropriately located and installed.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

FLUSH-MOUNTED SOLAR PANELS/COLLECTORS - Photovoltaic panels and tiles that are installed flush to the surface of a roof and which cannot be angled or raised.

FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM/COLLECTORS - A solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure.

NET METERING - A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

ROOFTOP MOUNTED OR BUILDING MOUNTED - A solar power energy system/collectors in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or modules fixed to frames which can be tilted toward the south at an optimal angle, but not more than 25° above plane of roof.

SMALL-SCALE SOLAR ENERGY SYSTEM/COLLECTORS - For purposes of this chapter, the term "small-scale solar" refers to solar photovoltaic systems rated up to 25 kilowatts (kW) per hour of energy or solar thermal systems which serve the building to which they are attached.

SOLAR COLLECTOR - 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 the generation of electricity or transfer of stored heat.

C. Applicability.

- (1) This section applies to all types of solar energy systems/collectors that are accessory to a principal use modified or installed after the effective date of this chapter, unless a building permit was properly issued prior to the effective date of this chapter.
- (2) All solar energy systems/collectors shall be designed, erected and installed in accordance with all applicable codes, regulations and standards.
- (3) Solar energy systems/collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected and only as an accessory use. Nothing contained in this provision shall be construed to prohibit collective solar installations or the sale of excess power through a net billing or net metering arrangement in accordance with New York Public Service Law, § 66-j, or similar state or federal statutes.
- (4) No solar energy system/collectors installed shall exceed the size of a small-scale solar energy system.

D. Permitting.

- (1) Rooftop- and building-mounted solar energy systems/collectors shall be permitted as of right in all zoning districts with issuance of a building permit and only located on an existing structure.
- (2) Freestanding or ground-mounted solar energy systems only on lots greater than 1.5 acres in size.
 - (a) Freestanding or ground-mounted solar energy systems shall be permitted in all zoning districts but shall require a Special Permit review from the Town of New Hartford Planning Board and may be subject to additional requirements as prescribed in this section. Once the special permit is granted a building permit shall be required.
 - (b) Upon receipt of a complete Special Permit application (including the payment of a fee), the Code Enforcement Officer shall submit a copy of the application to the Planning Board for review at the next Planning Board meeting. The Planning Board is to ensure that there is appropriate solar access with regard to neighboring properties to avoid future solar access conflicts and that the collectors are located to minimize aesthetic impacts.

- (c) The Planning Board shall review the application and provide a recommendation for approval, disapproval or approval with conditions within 45 days of receipt of the application.
- (3) Solar-thermal systems. Solar-thermal systems are permitted in all zoning districts and subject to the same standards as solar energy collectors.
- (4) Reasonable costs incurred by the Planning Board for private consultation fees or other expenses in connection with the review of a proposed site plan shall be charged to the applicant. Such reimbursable costs shall be in addition to the fees required in § 118-140, Fees.

E. Additional accessory use development exemptions and standards.

- (1) Solar energy systems/collectors and equipment shall be permitted only if they are determined by the Town of New Hartford not to present any unreasonable safety risks, including, but not limited to, the following:
 - (a) Weight load.
 - (b) Wind resistance.
 - (c) Ingress and egress in the event of fire or other emergency.
 - (d) Maximum height measured to the highest point shall not exceed 15 feet.
- (2) For purposes of this chapter, freestanding or ground-mounted energy systems are Special Permit uses in all districts. They shall be exempt from being counted toward the maximum number of accessory structures and square footage of accessory structures.
- (3) All freestanding or ground-mounted energy systems/collectors shall be permitted in all zoning districts with the issuance of a Special Permit and Building Permit. Installations shall be screened from view and located at least 75 feet from the side and rear lot lines measured from the corresponding side of the solar panel. Screening shall be achieved by the use of architectural features, earth berms or landscaping. In no case shall a system be installed in a front yard.

Section 2. Chapter 118 Attachment 3.3 Schedule A Permitted uses shall be amended as follows:

Change “Solar Energy System, Small Scale” to read “Solar Energy Systems/Collectors, Small Scale”

Add the letter “P” in the PR zone for this use

Add “Ground Mounted, Free standing Energy System/Collectors” in Use Category

Add the letters "SP" for this use.

Section 3. All other provisions of Chapter 118 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

Section 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.