

Topic: Solar Energy; Zoning
Resource Type: Regulation
State: New York
Jurisdiction Type: Municipal
Municipality: Town of Geneva
Year: 2017
Community Type - applicable to: Rural; Suburban
Title: Town of Geneva Zoning Code § 130-4. Solar collectors and installations for major systems or solar farms
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Abstract

§ 130-4 of the Geneva Zoning Code is called Solar collectors and installations for major systems or solar farms. It highlights the requirements a solar system must follow to be allowed within all zoning districts in Geneva. This section also highlights the provisions of a decommissioning plan for solar sites, which must be included with all applications.

Resource

See separate attached PDF.

Chapter 130. Solar Energy Systems

§ 130-4. Solar collectors and installations for major systems or solar farms.

- A. Where applicable, and unless more restrictive regulations also apply, the requirements of § **130-3** of this chapter shall apply to solar collectors and installations for major systems or solar farms.
- B. A major system or solar farm shall be constructed pursuant to a site plan permit from the Town Planning Board and must meet the criteria set forth below and obtain all other necessary approvals.
- C. Areas of potential sensitivity:
 - (1) One-hundred-year flood hazard zones considered a V or AE Zone on the FEMA Flood Maps.
 - (2) Historic and/or culturally significant resources in an historic district or historic district transition zone.
 - (3) Within 100 feet landward of a freshwater wetland.
 - (4) Adjacent to, or within, the control zone of any airport.
- D. A major system or solar farm may be permitted in all zoning districts in the Town when authorized by site plan permit from the Planning Board subject to the following terms and conditions.
 - (1) The total coverage of all buildings and structures on a lot, including freestanding solar panels, shall not exceed 50%.
 - (2) Height and setback restrictions.
 - (a) The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed 15 feet in height above the ground.
 - (b) The minimum setback from property lines shall be 25 feet.
 - (c) A landscaped buffer shall be provided around all equipment and solar collectors to provide screening from adjacent residential properties and roads.

- (3) Design standards.
 - (a) Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property.
 - (b) Roadways within the site shall not be constructed of impervious materials 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 prevent reflective glare toward any inhabited buildings on adjacent properties and roads.
 - (e) All mechanical 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 solar farm to be connected to the utility grid shall provide a "proof of concept" letter from the utility company acknowledging the solar farm will be connected to the utility grid in order to sell electricity to the public utility.
- (4) 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.
- (5) Abandonment.
 - (a) All applications for a solar farm 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) If the applicant begins but does not complete construction of the project within 18 months after receiving final site plan approval, this may be deemed abandonment of the project and require implementation of the decommissioning plan to the extent applicable.
 - (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:
 - [1] Removal of aboveground and below-ground equipment, structures and foundations.
 - [2] Restoration of the surface grade and soil after removal of equipment.
 - [3] Revegetation of restored soil areas with native seed mixes, excluding any invasive species.
 - [4] The plan shall include a time frame for the completion of site restoration work.
 - (d) 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 fails 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.

- (e) Upon cessation of activity of a constructed facility for a period of one year, the Town may notify the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the owner and/or operator can either restore operation equal to 80% of approved capacity or implement the decommissioning plan.
- (f) If the owner and/or operator fails to fully implement the decommissioning plan within the one-hundred-eighty-day time period, the Town may, at its discretion, provide for the restoration of the site in accordance with the decommissioning plan and may recover all expenses incurred for such activities from the defaulted owner and/or operator. The cost incurred by the Town shall be assessed against the property, shall become a lien and tax upon the property, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes.