

<b>Topic:</b>	Solar Energy; Zoning
<b>Resource Type:</b>	Regulation
<b>State:</b>	New York
<b>Jurisdiction Type:</b>	Municipal
<b>Municipality:</b>	City of Olean
<b>Year:</b>	2015
<b>Community Type - applicable to:</b>	Rural; Suburban
<b>Title:</b>	City of Olean Code of Ordinances Article 10.25 - Solar Energy Production Facilities
<b>Document Last Updated in Database:</b>	June 6, 2018

***Abstract***

Article 10.25 details the requirements for solar systems in the city of Olean, New York. A Solar Energy Production Facility (aka a Solar Farm) is permitted in certain districts under a Special Use Permit.

§ 10.25.5 subsections (1) and (3)(a-d) describe decommissioning and abandonment requirements. All applications for a solar farm shall include a decommissioning plan to ensure that the site will be restored to a useful, nonhazardous condition without delay upon abandonment or cessation of activity. The decommissioning plan shall include, but is not limited to plans for: removal of equipment and structures, restoration of the surface grade and soil, revegetation, and a timeframe for the completion of the site restoration.

***Resource***

See separate attached PDF.

**LOCAL LAW #03-2015**

**PL #xx-15**

By Alderman Jester, Seconded by Alderman Gonzalez

**TO ENACT A LOCAL LAW AMENDING THE CITY OF OLEAN CODE OF ORDINANCES CHAPTER 28, ZONING, TO INCLUDE SOLAR ENERGY PRODUCTION FACILITIES**

**BE IT ENACTED** by the Common Council of the City of Olean, New York, as follows:

Chapter 28, Article 2, Section 2.1 of the Code of Ordinances of the City of Olean, New York is amended to include the following:

**Sec. 2.1 Definitions.**

**MAJOR SOLAR COLLECTION SYSTEM OR SOLAR FARM**

An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Solar farm facilities consist of one or more freestanding ground- or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

**MINOR SOLAR COLLECTION SYSTEM**

A solar voltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation or transfer of stored heat, secondary to the use of the premises for other lawful purposes, with the total surface area of all solar collectors on the lot not to exceed 4,000 square feet.

Chapter 28, Article 4, Section 4.5 Subparagraph 4.5.2.c is hereby amended as follows:

**4.5.2.c Special permitted uses.** The following uses may be permitted in the GC General Commercial Use District consistent with the provisions of this law and provided that a special use permit is approved by the planning board:

1. Funeral homes.
2. Private golf courses
3. Solar energy production facility.

Chapter 28, Article 4, Section 4.6 Subparagraph 4.6.2.c is hereby amended as follows:

**4.6.2.c Special permitted uses.** The following uses may be permitted in the WC Waterfront Conservation Use District consistent with the provisions of this chapter and provided that a special use permit is approved by the planning board:

1. Colleges and institutions of higher education.
2. Mobile home parks.
3. Recreation uses, commercial.
4. Solar energy production facility.
5. Standard and fast food restaurants.
6. Telecommunications towers.

Chapter 28, Article 4, Section 4.7 Subparagraph 4.7.2.c is hereby amended as follows:

**4.7.2.c Special permitted uses.**

1. Banks and financial institutions.
2. Bars and night clubs.
3. Day care centers.
4. Drive-in uses.
5. Gasoline filling stations.
6. Gasoline/grocery service marts.
7. Non-vehicle repair shops.
8. Retail businesses and commercial uses other than those listed above.
9. Solar energy production facility.
10. Standard and fast food restaurants.
11. Telecommunications towers.
12. Veterinary hospitals.

Chapter 28, Article 4, Section 4.14 is hereby amended to include the following:

	<u>GC</u>	<u>WC</u>	<u>I</u>	<u>I2</u>	<u>I3</u>
Solar Energy Production Facility	SP	SP	SP	SP	SP

Chapter 28 of the City of Olean Code of Ordinances is hereby amended to include the following:

**10.25 Solar Energy Production Facilities**

**10.25.1 Intent; Zones.**

Because it is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life, the purpose of this section is to facilitate the development and

operation of renewable energy systems based on sunlight. A Solar Energy Production Facility (aka Major Solar Collection System or Solar Farm) shall be permitted under a Special Use Permit in the following districts: General Commercial (GC), Industrial (I), Industrial 2 (I2), Industrial 3 (I3) and Waterfront Conservation (WC), when measures are taken, as provided in this section, to minimize adverse impacts on neighboring properties and protect the public health, safety, and welfare. This section shall pertain *only to major solar collection systems or solar farms*. Where other Sections of the Code conflict with this Section, provisions of this Section shall control.

#### 10.25.2 Definitions

1. Major solar collection system or solar farm: An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Solar farm facilities consist of one or more freestanding ground- or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
2. Minor solar collection system: a solar voltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source or collection, inversion, storage and distribution of solar energy for electricity generation or transfer of stored heat, secondary to the use of the premises for other lawful purposes, with the total surface area of all solar collectors on the lot not to exceed 4,000 square feet.

#### 10.25.3 Design Standards For Major Solar Collection System or Solar Farm

1. The design of a major collection system or solar farm shall adhere to existing structural height requirements of the underlying zoning district. If the solar farm requires a roof mounting on buildings on the property, the roof mounted installation may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district.
2. The design of the solar farm shall adhere to existing setback requirements of the underlying zoning district. If the solar farm will be constructed by the utilization of ground mounting, then a ground mounting plan and process must be submitted during the Special Use Permit application process. The found mounting plan may consist of standard solar manufacturer installation plans and processes for ground mounting and/or may be addressed in the applicant's site plans.

3. Systems and solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.
4. System shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, balloons, flags, banners, or similar materials, with the exception of the following:

Necessary equipment information, warnings, or indication of ownership shall be allowed on any equipment of the System or where required by the New York State Building Code.

5. No System or any of its components shall be illuminated, except to the degree minimally necessary for public safety and, or maintenance and only in compliance with the City of Olean Zoning Ordinance, Article 11, Signage.
6. All mechanical equipment, including any structure for batteries or storage cells, shall be screened and fenced from adjacent properties to restrict unauthorized access.
7. No System shall be used or constructed such that it becomes a private or public nuisance or hazard.
8. Storm water and snowmelt runoff and erosion control shall be managed in a manner consistent with all applicable federal, state, and local regulations and shall not impact neighboring properties.
9. Systems which have not been in active and continuous service for one (1) year shall be removed at the owner's or operator's expense.
10. The site shall be restored to as natural conditions as possible within six (6) months of the removal of the system.
11. Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property.

10.25.4 Requirements for Special Use Permit application (in addition to Article 9, Section 9.0):

1. A recorded plat or survey of the tract on which the solar farm is to be placed.
2. Any other relevant studies, reports, certificates and approvals as may be reasonably requested by the Planning Board, including but not limited to design review, maintenance plans, etc.

### 10.25.5 Abandonment

1. 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.
2. 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.
3. The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay, including, but not limited to, the following:
  - a. Removal of aboveground and below-ground equipment, structures and foundations.
  - b. Restoration of the surface grade and soil after removal of equipment.
  - c. Re-vegetation of restored soil areas with native seed mixes, excluding any invasive species.
  - d. The plan shall include a timeframe for the completion of site restoration work.

Approved: June 9, 2015