

Local Law Filing

(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
(Select one.)

of Avon

FILED
STATE RECORDS
SEP 25 2023

Local Law No. 5 of the year 2023

A local law regulating the development, installation, and use of solar energy systems
(Insert Title)
and residential battery storage systems.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Avon

as follows:

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. 5 of 2023 of the ~~(County)(City)(Town)~~(Village) of Avon was duly passed by the Board of Trustees on August 21 2023, 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____, in accordance with the applicable provisions of law.

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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.

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) *(Name of Legislative Body)* (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. *(Elective Chief Executive Officer*)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide 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.

Heather Randall

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

Date: September 11, 2023

(Seal)

VILLAGE OF AVON

LOCAL LAW 5 OF 2023

A Local Law regulating the development, installation, and use of solar energy systems and residential battery storage systems.

Be it enacted by the Village Board of Trustees of the Village of Avon as follows:

The Village Board is charged with maintaining zoning and the aesthetic character of the Village.

The Village Planning Board formed a Solar Committee to issue recommendations to the Village Board of Trustees.

The Village Board of Trustees has reviewed, discussed, and accepted those recommendations.

NOW, THEREFORE, based upon the prior recommendation of the Village Planning Board, this Local Law is enacted as follows:

PURPOSE

The Village of Avon Planning Board and Village Board of Trustees recognize that solar energy is a clean, readily available and renewable energy source and recommend that the Village accommodate the use of solar energy systems for on-site consumption, subject, however, to properly cite and regulate solar energy systems within the boundaries of the Village of Avon to protect residential uses, business areas and other land uses; to preserve the natural resources, overall beauty, the historical nature and character of the Village; to promote the effective and efficient use of solar energy resources; and to protect the health, safety and general welfare of the citizens of the Village.

In accordance with the Village of Avon Comprehensive Plan, adopted May 2018:

It shall be the policy of the Village to conserve and enhance the quality of our natural environment through community stewardship and the employment of sustainable land use and development practices. Our local farmlands, open spaces, woodlots, and banks of the Genesee River help to maintain the tranquil rural setting in which we live, work, and play. Our land-based decisions will seek to maximize the environmental, aesthetic, and recreational value of these resources for the health and enjoyment of existing and future generations. We will continue to protect viable agricultural lands from development pressures, and support the provision of local foods. And to further reduce our ecological footprint, we will work to secure locally sourced, sustainable energy that will contribute to the pursuit of energy independence and a cleaner, healthier environment for all to enjoy.

DEFINITIONS

APPLICANT — The person or entity submitting an application and seeking an approval under this local law; the owner of a solar energy system or a proposed solar energy system project; the operator of solar energy system or a proposed solar energy system project; any person acting on behalf of an applicant, solar energy system or proposed solar energy system. Whenever the term "applicant" or "owner" or "operator" is used in this article, said term shall include any person acting as an applicant, owner or operator.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM — A combination of PV (photovoltaic) building components integrated into any building envelope system such as vertical facades, including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows. Technologies include PV shingles, or tiles, PV laminates, and PV glass.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM — Any solar energy system that is affixed to the side(s) or rear of a building or other structure either directly or by means of support structures or other mounting devices, but not including those mounted to the roof or top surface of a building.

DECOMMISSIONING - The removal and disposal of all Solar Panels, Solar Energy Equipment, Structures, equipment and accessories, including subsurface foundations and all other material, concrete, wiring, cabling, or debris, that were installed in connection with a Solar Energy System and the restoration of the parcel of land to the original state prior to construction on which the Solar Energy System. Details of the expected Decommissioning activities and costs are to be described in the Decommissioning Plan and Decommissioning Agreement as may be required pursuant to this Article.

DECOMMISSIONING AGREEMENT - A Written Agreement between Applicant, Initial Landowner and Village that sets forth the obligations of the Applicant and/or the Initial Landowner to properly decommission the Solar Energy System if the use of such system is discontinued, abandoned or becomes inoperable.

GLARE — The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM — Any solar energy system that is affixed to the ground either directly or by support structures or other mounting devices where such structure and mounting exists solely to support the solar energy system.

INITIAL LANDOWNER— The record title owner to the real property upon which a Solar Energy Systems is constructed, at the time such Solar Energy System is originally constructed.

ROOF-MOUNTED SOLAR ENERGY SYSTEM - A Solar Energy System mounted on the roof of any legally permitted Building or Structure and wholly contained within the limits of the roof surface, intended to produce energy for onsite consumption or credit for onsite consumption for a building, single-family residence, multi-family residence, or business.

SOLAR ENERGY EQUIPMENT — Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit that are used with solar panels to produce and distribute electricity.

SOLAR ENERGY SYSTEM — The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. A Solar Energy System is classified as a Tier 1, Tier 2, Tier 3, or Tier 4 Solar Energy System.

SOLAR PANEL — A photovoltaic device capable of collecting and converting solar energy into electrical energy.

TILT — The vertical angle, where 0° minimum tilt means the panel is lying flat, and 90° maximum tilt means that it is vertical.

SOLAR ENERGY SYSTEMS:

Tier 1 Solar Energy Systems have a capacity of up to 25 kW AC and generate no more than [110]% of the electricity consumed on the site over the previous [12] months. These include the following:

- Roof-Mounted Solar Energy Systems
- Building-Integrated Solar Energy Systems
- Ground-Mounted Solar Energy Systems
- Building-Mounted Solar Energy Systems

Tier 2 Solar Energy Systems have a capacity of up to 1 MW AC and include Ground-Mounted or Building-Mounted Solar Energy Systems which generate no more than [110]% of the electricity consumed **on the site** over the previous [12] months.

Tier 3 Solar Energy Systems have a capacity of up to 5 MW AC and are located on land primarily used to convert solar energy into electricity for off site energy consumption.

Tier 4 Solar Energy Systems are Solar Energy Systems which are not included under Tier 1, Tier 2, or Tier 3 Solar Energy Systems.

TIER 1 SOLAR ENERGY SYSTEMS

- **ROOF-MOUNTED SYSTEMS**

Roof-mounted systems are permitted as an accessory use in all zoning districts when attached to lawfully permitted uses and accessory structures, subject to the zoning codes of the village of Avon and the requirements set forth in this section.

Requirements:

- 1) Accessory uses and structures must exist on the permitted parcel.
- 2) The placement of a solar energy system shall only be permitted upon issuance of building permit based on special application materials supported by the Village Building and Codes Dept.
- 3) All projects are subject to proper permitted projects and codes and code review.
- 4) *Height:* Solar energy systems shall not exceed maximum height restrictions within any zoning district and are provided the same height exemptions granted to building –mounted mechanical devices or equipment.
- 5) *Setback:* Solar energy systems are subject to the setback requirements of the underlying zoning district
- 6) *Aesthetics:* Solar installation shall incorporate the following design requirements:
 - ✓ Panels facing the front yard must be mounted at the same angle as the roof's surface.
 - ✓ No part of the roof-mounted solar energy system shall extend above, beyond or below the edge of the roof it is mounted to. Additionally, the Code Enforcement Officer will require a minimum of three-foot wide access on all sides of the solar energy system.

□ **BUILDING-MOUNTED SYSTEMS**

Building-mounted systems are permitted as an accessory use in all zoning districts when attached to lawfully permitted uses and accessory structures, subject to the zoning codes of the village of Avon and the requirements set forth in this section.

Requirements:

- 1) Accessory uses and structures must exist on the permitted parcel.
- 2) The placement of a solar energy system shall only be permitted upon issuance of building permit based on special application materials supported by the Village Building and Codes Dept.
- 3) All projects are subject to proper permitted projects and codes and code review.
- 4) *Height:* Solar energy systems shall not exceed maximum height restrictions within any zoning district and are provided the same height exemptions granted to building –mounted mechanical devices or equipment

- 5) *Setback*: Solar energy systems are subject to the setback requirements of the underlying zoning district
- 6) *Aesthetics*: Solar installation shall incorporate the following design requirements:
 - ✓ Panels facing the front yard must be mounted at the same angle as the supporting surface.
 - ✓ No part of the building-mounted solar energy system shall extend above, beyond or below the edge of the roof it is mounted to. Additionally, the Code Enforcement Officer will require a minimum of three-foot wide access on all sides of the solar energy system.
 - ✓ Solar energy equipment shall be installed inside walls and attic spaces to reduce their visual impact. If solar energy equipment is visible from a public right of way, it shall match the color scheme of the underlying structure.

□ **BUILDING-INTEGRATED SYSTEMS**

Building integrated systems are permitted as an accessory use in all zoning districts when attached to lawfully permitted uses and accessory structures, subject to the zoning codes of the village of Avon and the requirements set forth in this section.

Requirements:

- 1) Accessory uses and structures must exist on the permitted parcel.
- 2) The placement of a solar energy system shall only be permitted upon issuance of building permit based on special application materials supported by the Village Building and Codes Dept.
- 3) All projects are subject to proper permitted projects and codes and code review.

□ **GROUND-MOUNTED SYSTEMS**

Ground-mounted systems offer an alternative to parcels lacking ideal roof solar access. Ground-mounted solar energy systems are permitted as an accessory structure in all zoning districts subject to the zoning codes of the village of Avon and the requirements set forth in this section.

Requirements:

- 1) All ground-mounted solar panels in residential districts shall be installed in

the side or rear yard.

- 2) Accessory uses and structures must exist on the permitted parcel.
- 3) The placement of a solar energy system shall only be permitted upon issuance of building permit based on special application materials supported by the Village Building and Codes Dept.
- 4) *Aesthetics*: Solar installation shall incorporate the following design requirements:
 - ✓ *Setback*: Solar energy ground mounted systems will be subject to the setback requirements of **15 feet from the side of the lot line, and 15 feet from back of the lot line.**
 - ✓ *Height*: Solar energy systems shall not exceed a maximum height of **12 feet**. All height measurements are to be calculated when the solar energy system is oriented at maximum tilt
 - ✓ *Lot Coverage* – The surface of ground mounted solar panels shall be included in lot coverage and impervious surface calculations.

Tier II Ground Mounted and Building Mounted Systems

- 1) Ground and Building Mounted Tier II solar systems are permitted through the issuance of a special-use permit within the following zoning districts in the Village of Avon: *Light Industrial, Agriculture, or Business District*.
- 2) *Height and Setback*: Tier II solar energy systems shall adhere to the height and **setback of 20 feet from the side and back of the lot lines and shall not exceed a maximum height of 15 feet**. All height measurements are to be calculated when the solar energy system is oriented at maximum tilt.
- 3) Tier II ground mounted solar energy systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The height and type of fencing shall be determined by the special-use permit process. The fencing and the system shall be required to be further screened by landscaping to avoid adverse aesthetic impacts. Landscaping will be maintained by the owner.
- 4) On site electrical interconnection lines and distribution lines shall be placed underground, unless otherwise required by the utility.
- 5) The removal of existing vegetation is limited to the extent necessary for the construction and maintenance of the solar installation.
- 6) **Property Operation and Maintenance Plan**
 - ✓ A property operation and maintenance plan is required, describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, etc.

Tier III and Tier IV Solar Systems are not allowed within the Village of Avon at this time.

SOLAR CONSIDERATIONS IN HISTORIC DISTRICTS/VILLAGES

- 1) Solar panels added to historic buildings should be done in a manner that has minimal impact on historic roofing materials and preserve the character by placing them with limited or no visibility and be reversible.
- 2) Solar panels affixed to a flat roof shall be placed below the line of sight from a public right of way, or on a secondary roof slope. Roof panels should be installed horizontally - flat or parallel to the roof - to reduce visibility.
- 3) Installing a solar energy system or solar panels on the historic building should be done after all other locations have been investigated and determined not feasible.
- 4) Solar panels shall be placed on new constructions or additions, if present.

ABANDONMENT AND REMOVAL

Solar energy systems are considered abandoned after 12 months without electrical energy generation and must be removed from the property.

BATTERY STORAGE

A battery storage system consists of one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time. The need for a residential battery storage system seems to be quite low in our village. Village residents have established connections with a utility company. If residents choose to install a solar energy system, the utility company installs a two-way meter that measures electrical output from the system and electrical input into the house from the grid. Although a battery storage system is an option for a homeowner, it seems to be a less optimal decision at this time.

At this time, installation of battery storage systems for residential use only is allowed. The system will only be for power consumption on-site. Proper permits shall be required for installation of any battery system. State and village building, electrical, and fire codes shall guide the issuance of such permits.

At this time, installation of battery storage systems for any use besides residential use is not permitted.