

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 Dansville

FILED
STATE RECORDS

JUN 01 2022

DEPARTMENT OF STATE

Local Law No. 2 of the year 2022

A local law Entitled "Adding Article XV of Chapter 330 of the Code of the Village of Dansville"
(Insert Title)

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

County City Town Village
(Select one.)

of Dansville as follows:

(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. 2 of 2022 of the ~~(County)(City)(Town)~~ (Village) of Dansville was duly passed by the Board of Trustees on May 11 2022, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

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 ~~(Name of Legislative Body)~~ (Elective Chief Executive Officer*) on _____ 2022, 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____. ~~(Name of Legislative Body)~~ (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 ~~(Name of Legislative Body)~~ (Elective Chief Executive Officer*) 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 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.



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

Date: 5/12/2022

(Seal)

**VILLAGE OF DANSVILLE
LOCAL LAW NO. 2 OF THE YEAR 2022**

A Local Law Entitled “Adding Article XV of Chapter 330 of the Code of the Village of Dansville.”

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

Article XV of Chapter 330 of the Code of the Village of Dansville shall be added to the Code in its entirety and the new Article XV shall read as follows:

§1501. Authority and Legislative Intent.

The Board of Trustees of the Village of Dansville states the following as its findings and legislative intent:

- A. This Local Law is adopted pursuant to Article IX of the New York State Constitution, the Municipal Home Rule Law and the Statute of Local Governments, which authorize the Village of Dansville to adopt zoning provisions that advance and protect the health, safety, and welfare of the community.
- B. The Board of Trustees of the Village of Dansville recognizes that solar energy is a clean, readily available and renewable energy source and the Village of Dansville intends to accommodate the use of solar energy systems.
- C. However, the Board of Trustees finds it is necessary to properly site and regulate solar energy systems within the boundaries of the Village of Dansville to protect residential uses, business areas and other land uses; to preserve the natural resources, overall beauty, nature and character of the Village of Dansville; 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 of Dansville.
- D. Accordingly, the Board of Trustees finds that the adoption of these regulations is necessary to properly direct the location, size and construction of these Solar Energy Systems.

§1502. Definitions.

The following definitions shall apply to this Article:

APPLICANT - The person or entity submitting an application and seeking an approval under this Article; 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” are used in this Article, said term shall include any person acting as an applicant, owner or operator of such Solar Energy System.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM - A combination of 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.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM (onsite use) - 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, intended to produce energy for onsite consumption or credit for onsite consumption for a building, single-family residence, multi-family residence or business, but not including those mounted to the roof or top surface of a Building. (See definition of Roof-Mounted Solar Energy System)

COMMERCIAL BUILDING-MOUNTED SOLAR ENERGY SYSTEM (offsite use) - 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, intended to produce energy for offsite sale to and consumption by one or more customers.

COMMERCIAL ROOF-MOUNTED SOLAR ENERGY SYSTEM (offsite use) - 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 offsite sale to and consumption by one or more customers.

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 is built to either of the following, at the landowner's (either the Initial Landowner or it's heirs, successors or assigns) sole option: (i) the condition such lands were in prior to the development, construction and operation of the Solar Energy System, including but not limited to restoration, regrading, and reseeding, or (ii) the condition designed by landowner (either the Initial Landowner or it's heirs, successors or assigns) and the Village. 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.

FARMLAND OF STATEWIDE IMPORTANCE – Land designated as “Farmland of Statewide Importance” in the US Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of statewide importance for the production of food, fiber, forage and oilseed crops as determined by the appropriate state agency or agencies.

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.

MATURE FOREST – Stands where the largest trees are 80 + years old or have an average trunk diameter of over 8 inches when measured two feet above its base.

PRIME FARMLAND – Land, designated as “Prime Farmland” in the US Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops and is also available for these uses. It has the soil quality, growing season and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In general, Prime Farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content and few or no rocks. They are permeable to water and air. Prime Farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

ROOF-MOUNTED SOLAR ENERGY SYSTEM (onsite use) - 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.

SITE PLAN – The application materials, procedures and processes required by this Article 1502 and §109 of the Zoning Ordinance of the Village of Dansville.

SOALR PANEL - A photovoltaic device capable of collecting and converting solar energy into electrical energy.

SOLAR ENERGY EQUIPMENT - Electrical energy devices, material, hardware, inverters, or other electrical equipment and conduit, not to include any type of battery energy storage system or similar device, that are used with Solar Panels to produce and distribute electricity.

SOALR ENERGY SYSTEM - An electrical energy generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

SPECIAL USE PERMIT– The procedures and processes required by this Article XV, §1503 D (1), E (1), G (1) and §204 of the Zoning Ordinance of the Village of Dansville.

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

VILLAGE – The Village of Dansville, Livingston County, New York.

TYPE 1 SOLAR ENERGY SYSTEM (onsite use) – A Ground-Mounted Solar Energy System intended to produce energy for onsite consumption or credit for onsite consumption for a building, single-family residence, multi-family residence or business. Said system shall be considered an Accessory Use (as defined in §109 of Village Zoning) and an Accessory Building, designed and intended to generate electricity solely for use on the premises, potentially for multiple tenants, through a distribution system that is not available to the public. Such Type 1 Solar Energy Systems may consist of Solar Energy Systems located on multiple sites within the jurisdictional limits of the Village of Dansville, owned by the same person, entity or business, but in no instance shall the aggregate yield on the combined systems equal more than 110% of the electricity consumed by such person, entity or business within the previous 12 months. Type 1 Solar Energy Systems can be developed, operated and maintained by a third-party by lease agreement or through a power purchase agreement.

TYPE 2 SOLAR ENERGY SYSTEM (offsite use) – A Ground-Mounted Solar Energy System intended to produce energy for offsite sale to and consumption by one or more customers.

§1503. Zoning districts where allowed. Subject to the provisions of this Article, Solar Energy Systems shall be allowed as follows:

- A. **Building Integrated Solar Energy Systems** (onsite use) are allowed in all zoning districts upon issuance of a building permit based on special application materials supplied to the Village Code Enforcement Department.
- B. **Building-Mounted Solar Energy Systems** (onsite use) are allowed in all zoning districts upon issuance of a building permit based on special application materials supplied to the Village Code Enforcement Department.

- C. **Rooftop-Mounted Solar Energy Systems** (onsite use) are permitted in all zoning districts, subject to the following:
- (1) The placement, construction and major modification of Roof-Mounted Solar Energy Systems (onsite use) shall only be permitted upon issuance of a building permit (pursuant to §138-4.) based on special application materials supplied to the Village Code Enforcement Department.
 - (2) Roof-Mounted Solar Energy System (onsite use) Design standards. Roof-Mounted Solar Energy System installations shall comply with the following design criteria:
 - (a) Solar Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof's surface and highest edge of the Solar Energy System at any point. Solar panels not facing the front yard can be mounted at any angle relative to the roof's surface, but shall not exceed a maximum height of 18 inches from the surface of the roof to the highest edge of the Solar Energy System at any point.
 - (b) No part of a 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 may require, at his/ her sole discretion, a minimum three (3) foot wide center walkway for safe access purposes.
 - (c) If feasible, Solar Energy Equipment shall be installed inside walls and attic spaces to reduce their visual impact.
 - (d) If feasible, Solar Panels affixed to a flat roof shall be placed below the line of sight from a public right-of-way.
 - (3) Roof-Mounted Solar Energy Systems (onsite use) shall be exempt from Site Plan review under the Zoning Law of the Village of Dansville, but shall not be constructed without a building permit first being issued pursuant to §138-4. and this Article.
- D. **Commercial Building-Mounted Solar Energy Systems** (offsite use) are allowed in the following zoning districts: Agricultural District (A), General Business District (B-1), Light Industrial District (L-I), Combined General Business – Light Industrial District (B1-LI) and requirements set forth in this Article, including Site Plan approval pursuant to §204 A., and are allowed only after the issuance of a Special Use Permit pursuant to §204 B. Applications for the installation of a Commercial Building- Mounted Solar Energy System shall be reviewed by the Code Enforcement Officer and referred, with comments, to

the Village of Dansville Planning Board (for Site Plan) and the Village of Dansville Zoning Board of Appeals (for Special Use Permit) for their review and action, which can include approval, approval on conditions, or denial.

- (1) Special Use Permit Application Requirements for Commercial Building-Mounted (offsite use). For a Special Use Permit application, the Applicant shall submit to the Zoning Board of Appeals the Site Plan application provided to the Planning Board, any information required by §204 B and the following documents and information:
 - (a) If the location of the proposed project is to be leased (either building facade or surface and/or real property), proof of legal consent between all parties, specifying the use(s) of the leased area(s) for the duration of the project, including any signed lease agreement, easements and other agreements between the parties. Any lease agreement between the Applicant and an Initial Landowner shall conform to or be amended such that it conforms with the requirements for Applicant and Initial Landowner as set forth in the Decommissioning Agreement referenced in § D. (1) (i) i. below.
 - (b) Plans and drawings for the Commercial Building-Mounted Solar Energy System signed by a Professional Engineer showing the proposed layout of the Solar Energy System along with providing a description of all components, any non-building mounted improvements or infrastructure, any proposed clearing and grading of the lot(s) on which the structure housing a Commercial Building-Mounted Solar Energy System is situate, any anticipated or possible storm water runoff or erosion disturbances resulting from the placement of the Commercial Building-Mounted Solar Energy System, and utility lines (both above and below ground) on the site and adjacent to the site. The applicant shall also provide a structural analysis signed by a Professional Engineer, demonstrating the structural adequacy of the building upon which a Commercial Building-Mounted Solar Energy System is to be placed to support such system in a safe fashion.
 - (c) Submitted plans and drawings shall show all property lot lines and the location and dimensions of all existing Buildings or Structures Commercial Building-Mounted Solar Energy System.
 - (d) Equipment specification sheets shall be provided for all Solar Panels, significant components, mounting systems, inverters or other Solar Energy Equipment that are to be installed.
 - (e) A Property Operation and Maintenance Plan which describes all ongoing or periodic maintenance of the Solar Energy System and upkeep of the property that houses such Commercial Building-

Mounted Solar Energy System.

- (f) Clearing, grading, storm water and erosion control plan. If deemed desirable by the Planning Board, Zoning Board of Appeals or the Village's professional engineer or consultant, Applicant shall submit an engineered Storm Water and Erosion Control Plan to the Village of Dansville Engineer for its review and approval which shall demonstrate that post development runoff, storm drainage and erosion will not be negatively impacted by placement of the Commercial Building-Mounted Solar Energy System on the site.
- (g) Data on anticipated truck trips per day, including during peak material delivery periods.
- (h) Any such additional information as may be required by the Village's professional engineer or consultant, Village of Dansville Planning Board, Village of Dansville Zoning Board of Appeals, Village Attorney or Code Enforcement Officer.
- (i) Decommissioning Plan. To ensure the proper removal of a Commercial Building-Mounted Solar Energy System after such improvements are no longer reasonably operable or have been abandoned, a Decommissioning Plan shall be submitted as part of the application. The Decommissioning Plan shall contain a written and visual record of the original site condition (prior to installation of any Solar Energy Equipment) to facilitate complete remediation upon decommissioning. The Decommissioning Plan must specify that after the Commercial Building-Mounted Solar Energy System is no longer operational or has been abandoned, it shall be removed by the Applicant or any subsequent owner of the improvements. The plan shall demonstrate how the removal of all infrastructure of the Commercial Building-Mounted Solar Energy System and all Solar Energy Equipment shall be conducted to return the structure (s) and parcel housing such system to its original state prior to construction. The plan shall also include an expected timeline for executing the Decommissioning Plan, which is to be prepared by a Professional Engineer or reputable contractor. Cost estimations shall take into account inflation and shall be based on the operating life expectancy of the system.
 - i. Prior to obtaining a building permit and as a condition to issuance of any Special Use Permit, the Applicant and Initial Landowner must enter into a Decommissioning Agreement with the 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 pursuant to section 1505 of

this Article. Said Decommissioning Agreement shall require the Applicant to provide an irrevocable financial security bond (or other form of surety acceptable to the Village of Dansville at its discretion) for the removal of the Commercial Building-Mounted Solar Energy System, with the Village of Dansville as the designated assignee/beneficiary, in an amount approved by the Planning Board which is equal to 110% of the estimated removal cost. The bond or surety shall provide for an annual increase in the amount of the surety to compensate for the cost of inflation or any other anticipated increase in costs of removal. Each year after a Commercial Building-Mounted Solar Energy System has been constructed, and no later than sixty (60) days prior to the anniversary date of the issuance of the building permit for such system, the then owner/permit holder for the system shall provide the Village of Dansville with written proof that the required financial security bond (or other form of surety) is still operable and valid and that such surety has been properly increased to account for inflation or any other anticipated increase in costs of removal as provided for above. The Decommissioning Agreement shall provide that Initial Landowner (or the successor and/or assigns of Initial Landowner) shall be responsible for all obligations pursuant to the Decommissioning Agreement in the event Applicant (or the successor owner of the Solar Energy System) does not complete all obligations as required by said Decommissioning Agreement. The Decommissioning Agreement shall be recorded at the office of the Livingston County Clerk and shall be indexed as deed restrictions against the property upon which the Solar Energy System is constructed, with the Village as a benefitted party, so as to put all future owners of the subject real property on notice of the obligations contained in the Decommissioning Agreement.

- (2) Special Use Permit and Site Plan Approval Standards of Commercial Building-Mounted (offsite use).
 - (a) Height. Commercial Building-Mounted Solar Energy Systems shall not be constructed in such a way that any portion of such system is higher than the highest point of the wall upon which it is attached.
 - (b) Distance from Building. Commercial Building-Mounted Solar Energy Systems shall not be constructed in such a way that any portion of the Solar Panels project more than 18 inches from the surface of the wall upon which it is attached.
 - (c) Fencing and Screening. All Solar Energy Equipment shall be securely enclosed or placed about the property so as to prevent unauthorized

access. Warning signs with the owner's contact information shall be conspicuously placed and maintained to aid in preventing injury by unauthorized access.

- (d) Glare. All Solar Panels shall have anti-reflective coating(s).
- (e) Number of Commercial Building-Mounted Solar Energy Systems allowed per Lot. No More than one Commercial Building-Mounted Solar Energy System may be permitted and allowed per lot or parcel, regardless of lot size.
- (f) Any Commercial Building-Mounted Solar Energy System shall be accessible for all emergency service vehicles and personnel to the satisfaction of the Livingston County Office of Emergency Management Services and local fire chief.
- (g) After completion of a Commercial Building-Mounted Solar Energy System, the Applicant shall provide a post- construction certificate from a Professional Engineer registered in New York State stating that the Solar Energy System complies with all applicable codes and industry practices and has been constructed and is operating according to the design plans.
- (h) Compliance with regulatory agencies. The Applicant is required to obtain all necessary regulatory approvals and permits from all federal, state, county and local agencies having jurisdiction and approval powers related to the completion of a Commercial Building-Mounted Solar Energy System.
- (i) Any application under this Section shall meet substantive Site Plan requirements in §204 A. that, in the judgment of the Village of Dansville Planning Board, are applicable to the Solar Energy System being proposed.
- (j) The Planning Board shall be required to hold a public hearing relating to the Site Plan for any Commercial Building-Mounted Solar Energy System.
- (k) Prior to determination or issuance of any permit, all Commercial Building-Mounted Solar Energy System applications shall be subject to review pursuant to the New York State Environmental Quality Review Act (16 NYCRR 617). The Village of Dansville Planning Board and the Zoning Board of Appeals shall conduct a coordinated review.
- (l) Time limit on completion. After receiving Site Plan approval and Special Use Permit approval of a Commercial Building-Mounted

Solar Energy System, an Applicant shall obtain a Building Permit within twelve (12) months of such approvals or the approvals shall automatically terminate and be deemed null and void. Additionally, the Applicant shall complete construction of an approved (Site Plan and Special Use Permit) Commercial Building-Mounted Solar Energy System within twenty-four (24) months of obtaining such approvals or the approvals shall automatically terminate and be deemed null and void and be of no force an effect at law.

- (m) General complaint process. During construction, the Code Enforcement Officer can issue a stop work order at any time for any violations of a Special Use Permit approval or condition, Site Plan approval or condition or Building Permit. After construction is complete, the permit holder of a Commercial Building-Mounted Solar Energy System shall establish a contact person, including name, address, telephone number and e-mail (if available) for receipt of any complaint concerning any permit, approval, maintenance, or operational requirements.
- (n) Inspections. Upon reasonable notice, the Village of Dansville Code Enforcement Officer, or his or her designee, may enter a Lot on which a Commercial Building-Mounted Solar Energy System has been approved for the purpose of determining compliance with any requirements or conditions of this Article or any approval given or permit issued pursuant to this Article. Twenty-four (24) hours' notice by telephone to the owner/operator or designated contact person shall be deemed reasonable notice. Furthermore, a

Commercial Building-Mounted Solar Energy System shall be inspected by a New York State licensed Professional Engineer that has been approved by the Village of Dansville at any time upon a determination by the Village's Code Enforcement Officer that damage to such system may have occurred, and a copy of the written inspection report shall be submitted to the Code Enforcement Officer. Any fee or expense associated with this inspection shall be borne entirely by the permit holder and shall be reimbursed to the Village of Dansville within thirty 30 days after delivery to the permit holder of an invoice substantiating such charges. Any failure to pay such reimbursable charges may result in revocation of any Special Use Permit granted. The Village of Dansville reserves the right to levy all such un-reimbursed expenses onto the real property tax bill associated with the real property upon which the Commercial Building-Mounted Solar Energy System is located.

- E. **Commercial Roof-Mounted Solar Energy Systems** (offsite use) are allowed in the following zoning districts: Agricultural District (A), General Business

District (B-2), Central Business District (B-1) Light Industrial District (L-I), Combined General Business – Light Industrial District (B1-LI). Commercial Roof-Mounted Solar Energy Systems are subject to the requirements set forth in this Article, including Site Plan approval pursuant to §204 A, and are allowed only after the issuance of a Special Use Permit pursuant to §204 B. Applications for the installation of a Commercial Roof- Mounted Solar Energy System shall be reviewed by the Code Enforcement Officer and referred, with comments, to the Village of Dansville Planning Board (for Site Plan) and the Village of Dansville Zoning Board of Appeals (for Special Use Permit) for their review and action, which can include approval, approval on conditions, or denial.

- (1) Special Use Permit Application Requirements for Commercial Roof-Mounted Solar Energy Systems (offsite use). For a Special Use Permit application, the Applicant shall submit to the Zoning Board of Appeals the Site Plan application provided to the Planning Board, any information required by §204 B and the following documents and information:
 - (a) If the location of the proposed project is to be leased (either building facade or roof surface and/or real property), proof of legal consent between all parties, specifying the use(s) of the leased area(s) for the duration of the project, including any signed lease agreement, easements and other agreements between the parties. Any lease agreement between the Applicant and an Initial Landowner shall conform to or be amended such that it conforms with the requirements for Applicant and Initial Landowner as set forth in the Decommissioning Agreement referenced in § E. (1) (i) i. below.
 - (b) Plans and drawings for the Commercial Roof-Mounted Solar Energy System signed by a Professional Engineer showing the proposed layout of the Solar Energy System along with providing a description of all components, any non-building mounted improvements or infrastructure, any proposed clearing and grading of the lot(s) on which the structure housing a Commercial Roof- Mounted Solar Energy System is situated, any anticipated or possible storm water runoff or erosion disturbances resulting from the placement of the Commercial Roof-Mounted Solar Energy System, and utility lines (both above and below ground) on the site and adjacent to the site. The applicant shall also provide a structural analysis signed by a Professional Engineer, demonstrating the structural adequacy of the building and roof upon which a Commercial Roof-Mounted Solar Energy System is to be placed to support such system in a safe fashion.
 - (c) Submitted plans and drawings shall show all property lot lines and the location and dimensions of all existing Buildings or Structures and uses on any parcel within 500 feet of the outer perimeter of the

Commercial Roof-Mounted Solar Energy System.

- (d) Equipment specification sheets shall be provided for all Solar Panels, significant components, mounting systems, inverters or other Solar Energy Equipment that are to be installed.
- (e) A Property Operation and Maintenance Plan which describes all ongoing or periodic maintenance of the Solar Energy System and upkeep of the property that houses such Commercial Roof-Mounted Solar Energy System.
- (f) Clearing, grading, storm water and erosion control plan. If deemed desirable by the Planning Board, Zoning Board of Appeals or the Village's professional engineer or consultant, Applicant shall submit an engineered Storm Water and Erosion Control Plan to the Village of Dansville Engineer for its review and approval which shall demonstrate that post development runoff, storm drainage and erosion will not be negatively impacted by placement of the Commercial Roof-Mounted Solar Energy System on the site.
- (g) A Construction Schedule Flow Chart along with Data on anticipated truck trips per day, including during peak material delivery periods.
- (h) Any such additional information as may be required by the Village's professional engineer or consultant, Village of Dansville Planning Board, Village of Dansville Zoning Board of Appeals, Village Attorney or Code Enforcement Officer.
- (i) Decommissioning Plan. To ensure the proper removal of a Commercial Roof-Mounted Solar Energy System after such improvements are no longer reasonably operable or have been abandoned, a Decommissioning Plan shall be submitted as part of the application. The Decommissioning Plan shall contain a written and visual record of the original site condition (prior to installation of any Solar Energy Equipment) to facilitate complete remediation upon decommissioning. The Decommissioning Plan must specify that after the Commercial Roof-Mounted Solar Energy System is no longer operational or has been abandoned, it shall be removed by the Applicant or any subsequent owner of the improvements. The plan shall demonstrate how the removal of all infrastructure of the Commercial Roof-Mounted Solar Energy System and all Solar Energy Equipment shall be conducted to return the structure (s) and parcel housing such system to its original state prior to construction. The plan shall also include an expected timeline for execution and a cost estimate detailing the projected cost of executing the Decommissioning Plan, which is to be prepared by a Professional Engineer or reputable contractor as approved by the Village. Cost

estimations shall take into account inflation and shall be based on the operating life expectancy of the system.

- i. Prior to obtaining a building permit and as a condition to issuance of any Special Use Permit, the Applicant and Initial Landowner must enter into a Decommissioning Agreement with the 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 pursuant to section 1505 of this Article. Said Decommissioning Agreement shall require the Applicant to provide an irrevocable financial security bond (or other form of surety acceptable to the Village of Dansville at its discretion) for the removal of the Commercial Roof-Mounted Solar Energy System, with Village of Dansville as the designated assignee/beneficiary, in an amount approved by the Planning Board which is equal to 110% of the estimated removal cost. The bond or surety shall provide for an annual increase in the amount of the surety to compensate for the cost of inflation or any other anticipated increase in costs of removal. Each year after a Commercial Roof-Mounted Solar Energy System has been constructed, and no later than sixty (60) days prior to the anniversary date of the issuance of the building permit for such system, the then owner/permit holder for the Solar Energy System shall provide the Village of Dansville with written proof that the required financial security bond (or other form of surety) is still operable and valid and that such surety has been properly increased to account for inflation or any other anticipated increase in costs of removal as provided for above. The Decommissioning Agreement shall provide that Initial Landowner (or the successor and/or assigns of Initial Landowner) shall be responsible for all obligations pursuant to the Decommissioning Agreement in the event Applicant (or the successor owner of the Solar Energy System) does not complete all obligations as required by said Decommissioning Agreement. The Decommissioning Agreement shall be recorded at the office of the Livingston County Clerk and shall be indexed as deed restrictions against the property upon which the Solar Energy System is constructed, with the Village as a benefitted party, so as to put all future owners of the subject real property on notice of the obligations contained in the Decommissioning Agreement.

(2) Special Use Permit and Site Plan Approval Standards for Commercial Roof-Mounted (offsite use).

- (a) Height and Angle. Commercial Roof-Mounted Solar Energy Systems

shall be constructed such that Solar Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof's surface and highest edge of the Solar Energy System at any point. Solar panels not facing the front yard can be mounted at any angle relative to the roof's surface, but no portion of the Solar Energy System shall exceed a maximum height of 18 inches from the surface of the roof to the highest edge of the Solar Energy System at any point.

- (b) No part of a Commercial 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 may require, at his/ her sole discretion, a minimum three (3) foot wide center walkway between panel arrays for safe access purposes.
- (c) If feasible, Solar Energy Equipment shall be installed inside walls and attic spaces to reduce their visual impact.
- (d) Glare. All Solar Panels shall have anti-reflective coating(s).
- (e) If feasible, Solar Panels affixed to a flat roof shall be placed below the line of sight from a public right-of-way.
- (f) Fencing and Screening. All Solar Energy Equipment shall be securely enclosed or placed about the property so as to prevent unauthorized access. Warning signs with the owner's contact information shall be conspicuously placed and maintained to aid in preventing injury by unauthorized access.
- (g) Number of Commercial Roof-Mounted Solar Energy Systems allowed per Lot. No More than one Commercial Roof-Mounted Solar Energy System may be permitted and allowed per lot or parcel, regardless of lot size.
- (h) Any Commercial Roof-Mounted Solar Energy System shall be accessible for all emergency service vehicles and personnel to the satisfaction of the Livingston County Office of Emergency Management Services and local fire chief.
- (i) After completion of a Commercial Roof-Mounted Solar Energy System, the Applicant shall provide a post-construction certificate from a Professional Engineer registered in New York State, stating that the project complies with all applicable codes and industry practices and has been constructed and is operating according to the design plans.
- (j) Compliance with regulatory agencies. The Applicant is required to

obtain all necessary regulatory approvals and permits from all federal, state, county and local agencies having jurisdiction and approval powers related to the completion of a Commercial Roof-Mounted Solar Energy System.

- (k) Any application under this Section shall meet substantive Site Plan requirements in §109 that, in the judgment of the Village of Dansville Planning Board, are applicable to the Solar Energy System being proposed.
- (l) The Planning Board shall be required to hold a public hearing relating to Site Plan for any Commercial Roof-Mounted Solar Energy System.
- (m) Prior to determination or issuance of any permit, all Commercial Roof-Mounted Solar Energy System applications shall be subject to review pursuant to the New York State Environmental Quality Review Act (16 NYCRR 617). The Village of Dansville Planning Board and the Village of Dansville Zoning Board of Appeals shall conduct a coordinated review.
- (n) Time limit on completion. After receiving Site Plan approval and Special Use Permit approval of a Commercial Roof-Mounted Solar Energy System, an Applicant shall obtain a Building Permit within twelve (12) months of such approvals or the approvals shall automatically terminate and be deemed null and void. Additionally, the Applicant shall complete construction of an approved (Site Plan and Special Use Permit) Commercial Roof-Mounted Solar Energy System within twenty-four (24) months of obtaining such approvals or the approvals shall automatically terminate and be deemed null and void.
- (o) General complaint process. During construction, the Code Enforcement Officer can issue a stop work order at any time for any violations of a Special Use Permit approval or condition, Site Plan approval or condition or Building Permit. After construction is complete, the permit holder of a Commercial Roof-Mounted Solar Energy System shall establish a contact person, including name, address, telephone number and e-mail (if available) for receipt of any complaint concerning any permit, approval, maintenance, or operational requirements.
- (p) Inspections. Upon reasonable notice, the Village of Dansville Code Enforcement Officer, or his or her designee, may enter a Lot on which a Commercial Roof-Mounted Solar Energy System has been approved for the purpose of determining compliance with any requirements or conditions of this Article or any approval given or permit issued pursuant to this Article. Twenty-four (24) hour notice by telephone to

the owner/operator or designated contact person shall be deemed reasonable notice. Furthermore, a Commercial Roof-Mounted Solar Energy System shall be inspected by a New York State licensed Professional Engineer that has been approved by the Village of Dansville at any time upon a determination by the Village's Code Enforcement Officer that damage to such system may have occurred, and a copy of the written inspection report shall be submitted to the Code Enforcement Officer. Any fee or expense associated with this inspection shall be borne entirely by the permit holder and shall be reimbursed to the Village of Dansville within thirty 30 days after delivery to the permit holder of an invoice substantiating such charges. Any failure to pay such reimbursable charges may result in revocation of any Special Use Permit granted. The Village of Dansville reserves the right to levy all such un-reimbursed expenses onto the real property tax bill associated with the real property upon which the Commercial Roof-Mounted Solar Energy System is located.

- F. Type 1 Solar Energy Systems (onsite use) are allowed as accessory uses and/or buildings in all zoning districts except Planned Unit Development (PUD). Type 1 Solar Energy Systems which are to be located in a Planned Unit Development must comply with the requirements of §602 E and Type 1 Solar Energy Systems; before the same are permitted.
- (1) The placement, construction and major modification of Type 1 Solar Energy Systems shall only be permitted upon issuance of building permit (pursuant to §204.) based on special application materials supplied to the Village Code Enforcement Department.
 - (2) Height. Type 1 Solar Energy Systems shall not exceed a maximum height of fifteen (15) feet as measured from the highest point of any Solar Panel (oriented at maximum tilt) or Solar Energy Equipment to the ground directly beneath it.
 - (3) Setbacks. Type 1 Solar Energy Systems setbacks shall be twice the standard setbacks for Accessory Buildings within the zoning district it is located, but in no event shall any such setback be less than twenty (20) feet.
 - (4) Coverage. Type 1 Solar Energy Systems ground coverage shall not exceed the allowable total surface or area coverage for Accessory Buildings within the zoning district in which it is located and in no event shall the combination of all Accessory Buildings located on the premises exceed 20% coverage of the entire area of such parcel. For purposes of this provision, coverage shall be calculated based upon the total surface area of the Solar Panels at minimum Tilt.
 - (5) Glare. All Solar Panels shall have anti-reflective coating(s).

- (6) All Type 1 Solar Energy Systems located in Agricultural – Conservation (A), Low Density Residential (LR), Low Density Residential – 2 (LR-2) and High Density Residential (HR) shall be installed in the side or rear yard.
 - (7) All applications for Type 1 Solar Energy Systems for businesses, to the extent permitted by law, shall be subject to Site Plan review pursuant to §204 A. Applications for Type 1 Solar Energy Systems for use on residential parcels may be subject to Site Plan review at the sole discretion of the Code Enforcement Officer.
 - (8) Pursuant to 6 NYCRR 617.5, Type 1 Solar Energy Systems to be used on residential parcels shall be deemed to be Type 2 Actions for purposes of review under the New York State Environmental Quality Review Act (16 NYCRR 617). All other Type 1 Solar Energy Systems shall be deemed to be Unlisted Actions pursuant to the New York State Environmental Quality Review Act.
- G. Type 2 Solar Energy Systems (offsite use) are permitted only in Light Industrial (I-1) EXCEPT for No Large Scale Solar project shall be permitted on any site that contains more than one (1) acre of Mature Forest at the time the application was filed or was a Mature Forest one (1) year prior to the submission of an application for a Large Scale Solar project and are subject to the requirements set forth in this Section, including Site Plan approval pursuant to §204 A., and are allowed only after the issuance of a Special Use Permit pursuant to §204 B. Applications for the installation of a Type 2 Solar Energy System shall be reviewed by the Code Enforcement Officer and referred, with comments, to the Village of Dansville Planning Board (for Site Plan) and the Village of Dansville Zoning Board of Appeals (for Special Use Permit) for their review and action, which can include approval, approval on conditions, or denial.
- (1) Special Use Permit Application Requirements. For a Special Use Permit application, the Applicant shall submit to the Zoning Board of Appeals the Site Plan application provided to the Planning Board, any information required by §204 B and the following documents and information:
 - (a) If the property of the proposed Solar Energy System is to be leased, proof of legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements between the parties. Any lease agreement between the Applicant and an Initial Landowner shall conform to or be amended such that it conforms with the requirements for Applicant and Initial Landowner as set forth in the Decommissioning Agreement referenced in § G. (1) (k) i below. Applicant shall be required to provide, as part of the application, any Lease Agreement, easements and other agreements between itself and Initial Landowner or any

owner of property contiguous to the land upon which the Solar Energy System (or any component thereof, including access ways or utility lines) shall be constructed.

- (b) Plans and drawings for the Type 2 Solar Energy System signed by a Professional Engineer showing the proposed layout of the Solar Energy System along with providing a description of all components, existing vegetation, any proposed clearing and grading of the lot(s) involved, any anticipated or possible storm water or erosion disturbances, and utility lines (both above and below ground) on the site and adjacent to the site.
- (c) Submitted plans and drawings shall show all property lot lines and the location and dimensions of all existing Buildings or Structures and uses on any parcel within 500 feet of the outer perimeter of the Type 2 Solar Energy System.
- (d) Equipment specification sheets shall be provided for all Solar Panels, significant components, mounting systems, inverters and other Solar Energy Equipment that are to be installed.
- (e) A site specific Property Operation and Maintenance Plan which details all ongoing and ~~or~~ periodic maintenance of the Type 2 Solar Energy System and property upkeep, such as mowing and trimming, snow removal, landscaping, cleaning of solar panels (where applicable) and stormwater practices (where applicable).
- (f) Clearing, grading, storm water and erosion control plan. Applicant shall submit an engineered Storm Water and Erosion Control Plan to the Village of Dansville Engineer for its review and approval which shall demonstrate that post development runoff, storm drainage and erosion will not be negatively impacted by placement of the Type 2 Solar Energy System on the site.
- (g) A Construction Schedule Flow Chart along with Data on anticipated truck trips per day, including during peak material delivery periods.
- (h) Viewshed/Line of Site Analysis – Applicant shall provide a viewshed/line-of-site analysis, with scaled color visual renderings to demonstrate the adequacy of proposed buffering/screening at the completion of construction of the Solar Energy System, and similar visual renderings of the projected maturation of the buffering/screening ten (10) years after completion of the Solar Energy System.

- (i) Pre-development Site Condition – Applicant shall provide a written and visual record of the pre-development site condition, which must be verified as to being complete by the Code Enforcement Office, to facilitate full and proper remediation of the site upon decommissioning.
- (j) Any such additional information as may be required by the Village’s professional engineer or consultant, Village of Dansville Planning Board, Village of Dansville Zoning Board of Appeals, Village Attorney or Code Enforcement Officer.
- (k) Decommissioning Plan. To ensure the proper removal of Type 2 Solar Energy Systems after such improvements are no longer reasonably operable or have been abandoned, a Decommissioning Plan shall be submitted as part of the application. The Decommissioning Plan must specify that after the Type 2 Solar Energy System is no longer operational or has been abandoned, it shall be removed by the Applicant or any subsequent owner of the improvements and/or the subsequent owner of the property upon which the Type 2 Solar Energy System is placed. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution and a cost estimate detailing the projected cost of executing the Decommissioning Plan, which is to be prepared by a Professional Engineer or reputable contractor as verified by the Village. Cost estimations shall take into account inflation and shall be based on the operating life expectancy of the system.
 - i. Prior to obtaining a building permit and as a condition to issuance of any Special Use Permit, the Applicant and Initial Landowner must enter into a Decommissioning Agreement with the 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 pursuant to section 1505 of this Article. Said Decommissioning Agreement shall require the Applicant to provide an irrevocable financial security bond (or other form of surety acceptable to the Village of Dansville at its discretion) for the removal of the Type 2 Solar Energy System, with the Village of Dansville as the designated assignee/beneficiary, in an amount approved by the Planning Board which is equal to 110% of the estimated removal cost. The bond or surety shall provide for an annual increase in the amount of the surety to compensate for the cost of inflation or any other anticipated increase in costs of removal. Each year

after a Type 2 Solar Energy System has been constructed, and no later than sixty (60) days prior to the anniversary date of the issuance of the building permit for such Solar Energy System, the then owner/permit holder for the system shall provide the Village of Dansville with written proof that the required financial security bond (or other form of surety) is still operable and valid and that such surety has been properly increased to account for inflation or any other anticipated increase in costs of removal as provided for above. The Decommissioning Agreement shall provide that Initial Landowner (or the successor and/or assigns of Initial Landowner) shall be responsible for all obligations pursuant to the Decommissioning Agreement in the event Applicant (or the successor owner of the Solar Energy System) does not complete all obligations as required by said Decommissioning Agreement. The Decommissioning Agreement shall be recorded at the office of the Livingston County Clerk and shall be indexed as deed restrictions against the property upon which the Solar Energy System is constructed, with the Village as a benefitted party, so as to put all future owners of the subject real property on notice of the obligations contained in the Decommissioning Agreement.

- (l) At its sole discretion, the Village of Dansville Planning Board and/or the Village of Dansville Zoning Board of Appeals may refer an application for a Type 2 Solar Energy System to one or more private consultants for review to assist such Board in properly fulfilling its duties. Such consultants may include a professional engineer, attorney, planning consultant or other specialist. All expenses incurred by the Village (through either Board) for this purpose shall be reimbursed to the Village by the Applicant within thirty (30) days of the Village issuing a detailed invoice to Applicant requesting reimbursement for the same. At its discretion and at any time during the application process, either Board may require that Applicant furnish a deposit in an amount that it deems initially sufficient to be used for reimbursement of such expenses. Any such deposit shall be held in a non-interest bearing account and shall be used to reimburse the Village for expenses that have been incurred as a result of such consultants. Should such deposit be depleted prior to final approval, either Board may require that additional monies be deposited with the Village before further review of the application will continue. A reviewing Board may suspend indefinitely the review of any application as a result of the failure of Applicant to timely remit a required deposit or to promptly reimburse the Village for expenses relating to such consultants. Any such suspension shall supersede

any Village and/or New York State law, rule or regulation relating to the timing of issuance of decisions for such applications.

- (m) If a Type 2 Solar Energy System is proposed to be developed on land that is or could be in agricultural production, Applicant shall demonstrate how the proposed development complies with the current guidelines as established by the New York State Department of Agriculture and Markets relating to Agricultural Mitigation for Solar Energy Projects.
 - (n) The Applicant shall be required to facilitate one or more site visits as deemed necessary or desirable by the Planning Board and/or Zoning Board of Appeals.
- (2) Special Use Permit and Site Plan Approval Standards.
- (a) Height. Type 2 Solar Energy Systems shall not exceed a maximum height of fifteen (15) feet as measured from the highest point of any Solar Panel (oriented at maximum tilt) or Solar Energy Equipment, to the ground directly beneath it.
 - (b) Setbacks. Type 2 Solar Energy Systems shall have a front setback no less than 200 feet (to enclosure fencing) from edge of pavement of any public or private roadways and setbacks of 100 feet (to enclosure fencing) from all side and rear property lines. In addition, no Type 2 Solar Energy System shall be located closer than 400 feet (to enclosure fencing) from any Dwelling or Accessory Building related to a Dwelling located on another parcel.
 - (c) Lot/Parcel Size. Type 2 Solar Energy Systems shall be located on parcels with a minimum lot size of 25 acres.
 - (d) Lot/Parcel Coverage. Type 2 Solar Energy Systems shall not exceed 25 acres of coverage on parcels that are 40 acres or more in size. On parcels that are less than 40 acres in size, Type 2 Solar Energy Systems coverage shall not exceed 60% of the total parcel size. It is the intent of this restriction to protect the valuable resource and benefits of Prime Farmland and Farmland of Statewide Importance and it is the express intention of the Village of Dansville that no variance or hardship request be granted to permit increased coverage by Type 2 Solar Energy Systems on Prime Farmland and/or Farmland of Statewide Importance by any board or commission or other agency having legal authority to consider and grant such a variance or hardship request. The coverage area shall be determined by the area covered by the perimeter of the Solar Energy System at minimum tilt and shall not include required fencing or access roads.

- (e) Glare. All Solar Panels shall have anti-reflective coating(s).
- (f) Fencing and Screening. All Type 2 Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed and maintained on the entrance and perimeter of the fencing. The fencing and the Solar Energy System may be required to be further screened by landscaping to avoid adverse aesthetic impacts. All buffering/landscaping materials shall be designed to promote sustainability, native species and environmentally conscious variety, which shall include a mixture of plant species, sizes/heights, deciduous and evergreen trees and/or shrubs and shall be noted in detail on a landscaping plan that shall be approved by the Planning Board and/or the Zoning Board of Appeals. The Planning Board and/or the Zoning Board of Appeals shall provide for enhanced screening and buffering for Type 2 Solar Energy Systems that are placed adjacent to residentially zoned areas, areas containing residential parcels or abut a public road.
- (g) Number of Type 2 Solar Energy Systems allowed per Lot. Only one Type 2 Solar Energy System shall be allowed per Lot or parcel, regardless of Lot size.
- (h) Recent Subdivision of Lot/Parcel. In order to prevent circumvention of the size and coverage restrictions set forth above, when considering such restrictions, the Zoning Board of Appeals shall consider the Lot or parcel to be the largest configuration of the physical area where the Type 2 Solar Energy System is being proposed that has existed as a separate Lot or parcel (with its own Tax Identifier Map Parcel Number) in the official tax records of the Village of Dansville within the ten (10) years immediately preceding the application seeking approval for such Type 2 Solar Energy System. This provision is specifically intended to prevent and owner of land from subdividing such land into smaller parcels that would permit siting of multiple Type 2 Solar Energy Systems on what would have otherwise been a lot or parcel that was restricted to one Type 2 Solar Energy System that would not exceed 25 acres of coverage.
- (i) Vegetation and Habitat. Type 2 Solar Energy System owners/developers shall develop and provide a written vegetation management plan (which shall be approved by the Planning Board and/or the Zoning Board of Appeals) to implement and maintain native, non-invasive plants and vegetation under and around the Solar Panels, such plantings to provide foraging habitat beneficial to game birds, songbirds and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, owners/developers shall use native, non-invasive plant

species and seed mixes.

- (j) Any Type 2 Solar Energy System shall be accessible for all emergency service vehicles and personnel as set forth by New York State Fire Prevention Code and to the satisfaction of the Livingston County Office of Emergency Management Services and local fire department Chief.
- (k) After completion of a Type 2 Solar Energy System, the Applicant shall provide a post-construction certificate from a Professional Engineer registered in New York State, certifying that the Type 2 Solar Energy System complies with all applicable codes and industry practices and has been constructed and is operating according to the design plans.
- (l) Compliance with regulatory agencies. The Applicant is required to obtain all necessary regulatory approvals and permits from all federal, state, county and local agencies having jurisdiction and approval powers related to the completion of a Type 2 Solar Energy System.
- (m) Any application under this Section shall meet substantive Site Plan requirements in §204 A. that, in the judgment of the Village of Dansville Planning Board, are applicable to the system being proposed.
- (n) Prior to determination or issuance of any permit, all Type 2 Solar Energy System applications shall be subject to review pursuant to the New York State Environmental Quality Review Act (6 NYCRR 617). All applications (Site Plan and Special Use Permit) for approval of a Type 2 Solar Energy System shall be deemed to be Type I Actions for purposes of compliance with the New York State Environmental Quality Review Act. The Village Planning Board and/or Zoning Board of Appeals has the authority, pursuant to 6 NYCRR 617.4 (a) (1) and (2), to classify such actions in addition to the list established by such statute. The Planning Board and the Zoning Board of Appeals shall conduct a coordinated review.
- (o) The development and operation of a Type 2 Solar Energy System shall not have a significant adverse impact on fish, wildlife or plant species or their critical habitats, or other significant habitats identified by the Village of Dansville or other federal or state regulatory agencies. The Village of Dansville Planning Board and the Village Zoning Board of Appeals may impose conditions on the approval of any Site Plan or Special Use Permit under this Article to enforce the standards referred to in this Article or to discharge its obligations under the State Environmental Quality Review Act.

- (p) Time limit on completion. After receiving Site Plan approval and Special Use Permit approval of a Type 2 Solar Energy System, an Applicant shall obtain a Building Permit within twelve (12) months of such approvals or the approvals shall automatically terminate and be deemed null and void. Additionally, the Applicant shall complete construction of an approved (Site Plan and Special Use Permit) Type 2 Solar Energy System within twenty (24) months of obtaining such approvals or the approvals shall automatically terminate and be deemed null and void and be of no force an effect at law.
- (q) General complaint process. During construction, the Code Enforcement Officer can issue a stop work order at any time for any violations of a Special Use Permit approval or condition, Site Plan approval or condition or Building Permit. After construction is complete, the permit holder of a Type 2 Solar Energy System shall establish a contact person, including name, address, telephone number and e-mail if possible for receipt of any complaint concerning any permit, approval, maintenance, or operational requirements.
- (r) Inspections. Upon reasonable notice, the Village of Dansville Code Enforcement Officer, or his or her designee, may enter a Lot on which a Type 2 Solar Energy System has been approved for the purpose of determining compliance with any requirements or conditions of this Article or any approval given or permit issued pursuant to this Article. Twenty-four (24) hour notice by telephone to the owner/operator or designated contact person shall be deemed reasonable notice. Furthermore, a Type 2 Solar Energy System shall be inspected by a New York State licensed Professional Engineer that has been approved by the Village of Dansville at any time upon a determination by the Village's Code Enforcement Officer that damage to such system may have occurred, and a copy of the written inspection report shall be submitted to the Code Enforcement Officer. Any fee or expense associated with this inspection shall be borne entirely by the permit holder and shall be reimbursed to the Village of Dansville within thirty 30 days after delivery to the permit holder of an invoice substantiating such charges. Any failure to pay such reimbursable charges may result in revocation of any Special Use Permit granted. The Village of Dansville reserves the right to levy all such un-reimbursed expenses onto the real property tax bill associated with the real property upon which the Solar Energy System is located.

§1504. General Regulations. The placement, construction and major modification of all Solar Energy Systems within the boundaries of the Village of Dansville shall be permitted only as follows:

- A. Any inconsistent provisions of the Code of the Village of Danville which may be interpreted to allow Solar Energy Systems in other districts are hereby superseded.
- B. All Solar Energy Systems existing on the effective date of this Article shall be “grandfathered” and allowed to continue as they presently exist. Routine maintenance (including replacement with a new system of like construction and size) shall be permitted on such existing systems. New construction other than routine maintenance on pre-existing systems shall comply with the requirements of this Article.
- C. All new Solar Energy Systems and all additions and modifications to any pre-existing Solar Energy System shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code, the NYS Energy Conservation Code and all local laws, codes, rules and regulations of the Village of Dansville.
- D. Any applications (including variance applications) pending for Solar Energy Systems on the effective date of this article shall be subject to the provisions of this Article.
- E. This Article shall take precedence over any inconsistent provisions of the Zoning regulations contained within the Code of the Village of Dansville.
- F. No Solar Panels or other Solar Energy Equipment used in any Solar Energy System shall utilize or contain any amount of GenX chemicals or polyfluoroalkyl substances (PFAS).
- G. For all Solar Energy Systems, no signage or graphic content may be displayed on the Solar Energy Equipment except the manufacturer’s badge, safety information and equipment specification information.
- H. For Type 2 Solar Energy Systems, a sign not to exceed nine square feet shall be displayed on or near the main access point and shall list the facility name, owner and phone number, disconnect and other emergency shutoff information, 24-hour emergency contact information. It will be clearly displayed on a light reflective surface.
- I. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- J. Payment in Lieu of Tax Agreement. The owners or developers and landowners of the property upon which Commercial Building-Mounted Solar Energy Systems, Commercial Roof-Mounted Solar Energy Systems or Type 2 Solar Energy Systems are to be developed shall be required to enter into a contract with the Village for payments in lieu of taxes pursuant to NYS Real Property

Tax Law §487. The Village Attorney on behalf of the taxing jurisdiction shall notify such owner or developer in writing within sixty (60) days of receipt of Site Plan Application submission to the Village Planning Board to require a contract for payments in lieu of taxes.

- (1) In no event shall such payment in lieu of tax agreement operate for a period of more than fifteen (15) years, commencing in each instance from the date on which the benefits of such exemption first become available and effective under NYS Real Property Tax Law §487.
- (2) In no event shall such payment in lieu of tax agreement require annual payments in an amount that would exceed the amount that would otherwise be payable but for the exemption under NYS Real Property Tax Law §487.
- (3) The payment in lieu of tax agreement shall run to the benefit of the Village of Dansville and be executed by the Applicant/developer as well as the owners of the real property upon which the Solar Energy System is to be located and such signatures shall be notarized in a format that allows the payment in lieu of tax agreement to be recorded at the Office of the Livingston County Clerk. Such payment in lieu of tax agreement shall, prior to commencement of construction, be recorded at the office of the Livingston County Clerk as a lien on the property upon which and indexed against the property upon which the Solar Energy System is to be constructed. The intent of the above provisions is so that should the Applicant/developer or owner of the Solar Energy System default with regard to such payment in lieu of tax agreement, that such obligation will become the responsibility of the then owner of the property upon which the Solar Energy System is sited and that failure to satisfy the terms of such agreement will permit the Village of Dansville to enforce such agreement as against the owner of the real property and the real property.
- (4) At its sole discretion, the Village of Dansville Board of Trustees may refer an application for a Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System or Type 2 Solar Energy System to one or more private consultants to assist such Board in negotiating, drafting and/or reviewing the required payment in lieu of tax agreement. Such consultants may include a professional engineer, attorney, planning consultant or other specialist. All expenses incurred by the Village for this purpose shall be reimbursed to the Village by the Applicant within thirty (30) days of the Village issuing a detailed invoice to Applicant requesting reimbursement for the same. At its discretion and at any time during the application process, the Village Board of Trustees may require that Applicant furnish a deposit in an amount that it deems initially sufficient to be used for reimbursement of such expenses. Any such deposit shall be held in a non-interest-bearing account and shall be used to reimburse the Village for expenses that have been incurred as a result of such consultants. Should such

deposit be depleted prior to final approval of the required payment in lieu of tax agreement, the Village Board of Trustees may require that additional monies be deposited with the Village before further processing of the payment in lieu of tax agreement will continue. The Village Board of Trustees may suspend indefinitely the negotiation and drafting and review of the payment in lieu of tax agreement as a result of the failure of Applicant to timely remit a required deposit or to promptly reimburse the Village for expenses relating to such consultants. Any such suspension shall supersede any Village and/or New York State law, rule or regulation relating to the timing of issuance of approvals for such payment in lieu of tax agreements.

- (5) No building permit may be issued for any approved Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System or Type 2 Solar Energy System until such time as a payment in lieu of tax agreement has been executed by all parties.

K. Community Benefit Agreement. The owners or developers and landowners of the property upon which a Commercial Building-Mounted Solar Energy System, Commercial Roof-Mounted Solar Energy System or Type 2 Solar Energy System is to be developed shall be required to enter into a community benefit agreement with the Village for payment by the owners, developers or landowners to the Village of an agreed upon monetary amount or provision of a specified public improvement or improvements that shall act to offset the potential negative impacts that may be associated with any Commercial Solar Energy System.

- (1) At its sole discretion, the Village Board of Trustees may refer an application for a Commercial Solar Energy System to one or more private consultants to assist such Board in negotiating, drafting and/or reviewing the required community benefit agreement. Such consultants may include a professional engineer, attorney, planning consultant or other specialist. All expenses incurred by the Village for this purpose shall be reimbursed to the Village by the Applicant within thirty (30) days of the Village issuing a detailed invoice to Applicant requesting reimbursement for the same. At its discretion and at any time during the application process, the Village Board may require that Applicant to furnish a deposit in an amount that it deems initially sufficient to be used for reimbursement of such expenses. Any such deposit shall be held in a non-interest-bearing account and shall be used to reimburse the Village for expenses that have been incurred as a result of such consultants. Should such deposit be depleted prior to final approval of the required community benefit agreement, the Village Board may require that additional monies be deposited with the Village before further processing of the community benefit agreement will continue. The Village Board may suspend indefinitely the negotiation and drafting and review of the community benefit agreement as a result of the failure of Applicant to timely remit a required deposit or to promptly

reimburse the Village for expenses relating to such consultants.

- (2) No building permit may be issued for any approved Commercial Solar Energy System until such time as a community benefit agreement has been executed by all parties.

L. **Street Use Agreement.** Prior to issuance of any building permit for a Commercial Solar Energy System and as a condition to any Special Use Permit being issued, the Applicant and its general contractor shall enter into a written Street Use Agreement benefitting the Village and in a format acceptable to the Village at its sole discretion. Such Street Use Agreement will require Applicant and its General Contractor to indemnify and hold the Village harmless from any and all damage to the roadways within the Village that may result from the development of Applicant's Commercial Solar Energy System. As a part of such Village Street Use Agreement, Applicant shall provide an irrevocable financial security bond (or other form of surety acceptable to the Village of Dansville at its sole discretion), benefitting the Village, that shall ensure the indemnification and hold harmless provisions stated above.

- (1) In the event that any damage is done to any Village street as a result of the development of an Applicant's Commercial Solar Energy System, said Applicant and/or its General Contractor shall be responsible to perform repairs to such street that are acceptable to the Village Department of Public Works Superintendent in his/her reasonable discretion.
- (2) Such repairs shall be completed within sixty (60) days of when written notice of a demand to repair was personally served or sent via certified mail to Applicant or its General Contractor. Should Applicant or its General Contractor fail to complete such repairs within sixty (60) days, or within a different timeline at the discretion of the DPW Superintendent, the Village shall be permitted to execute on the irrevocable financial security bond (or other form of surety) with written notice to Applicant or its General Contractor.
- (3) The provisions of the Street Use Agreement required hereby and the requisite financial security bond (or other form of surety) shall remain in full force and effect for no less than one year after all construction has been completed and the project has been certified as complete by a professional engineer.
- (4) No building permit may be issued for any approved Commercial Solar Energy System until such time as a Street Use Agreement has been executed by all parties.

M. **Traffic Routes.** Construction and delivery vehicles for All Commercial Solar Energy System shall use traffic routes established as part of the applications review process. Factors in establishing such corridors shall include:

- (1) Minimizing traffic impacts from construction and delivery vehicles.
 - (2) Minimizing Solar Energy System related traffic during times of school bus activity.
 - (3) Minimizing wear and tear on local streets.
 - (4) Minimizing impacts on local businesses.
 - (5) Special Use Permit approval may contain conditions that limit Solar Energy System related traffic to specified routes and include a plan for disseminating traffic route information to the public.
- N. No Large Scale Solar project shall be permitted on any site that contains more than one (1) acre of Mature Forest at the time the application was filed or was a Mature Forest one (1) year prior to the submission of an application for a Large Scale Solar project.

§1505. Abandonment and Decommissioning.

- A. If the use of an approved Solar Energy System is discontinued, the owner or operator shall provide written notice to the Code Enforcement Officer within thirty (30) days of such discontinuance. In any case, Solar Energy Systems are considered inoperative and abandoned after 90 days without electrical energy generation which is consumed onsite (or credit for onsite consumption is received) for Type 1 Solar Energy Systems or 90 days without production of energy and offsite sale to and consumption by one or more customers for Commercial Solar Energy Systems.
- B. Determination of Abandonment or Inoperability. A determination of the abandonment or inoperability of a Solar Energy System shall be made by the Code Enforcement Officer, who shall provide the permit holder, owner or operator and owner of the real property upon which the Solar Energy System is located with written notice by personal service or certified mail. At the earlier of the 91 days from the date of determination of abandonment or inoperability without reactivation or upon completion of dismantling and removal, any approvals and/or permits granted or issued for the Solar Energy System shall automatically expire.
- C. Removal. All Solar Energy Systems (and related infrastructure) shall be dismantled and removed immediately from a Lot where the Special Use Permit or Site Plan approval has been revoked by the Village of Dansville Zoning Board of Appeals or the Village Planning Board respectively, or if the Solar Energy System has been deemed by the Code Enforcement Officer to be inoperative or abandoned for a period of more than 90 days and the Lot shall be restored to its pre-development condition. The responsibility to dismantle and remove and all such costs of removal shall be the sole responsibility of the

permit holder, owner or operator and/or owner of the real property upon which the Solar Energy System is located. If the permit holder, owner or operator and/or owner of the real property upon which the Solar Energy System is located does not dismantle and remove said Solar Energy System as required by the Decommissioning Agreement, the Village Board may complete removal and decommissioning as set forth in the Decommissioning Agreement and levy all related expenses (not covered by any removal bond or other form of surety provided pursuant to such Decommissioning Agreement) associated with the removal onto the real property tax bill associated with the property upon which the Solar Energy System was located, regardless of who the permit holder, owner or operator and owner of the real property upon which the Solar Energy System is/was.

- (1) Removal of all Commercial Solar Energy Systems shall be in accordance with the Decommissioning Agreement required by §1505 above.

§1506. Revocation.

If the Applicant or its successor in title/ownership of any Commercial Solar Energy System violates any of the conditions of its Special Use Permit, Site Plan approval or violates any other local, state or federal laws, rules or regulations, such violation shall be grounds for revocation of the Special Use Permit or Site Plan Approval. Revocation may occur after the applicant is notified in writing of the violations and the Village of Dansville Zoning Board of Appeals and Planning Board holds a joint hearing on the alleged violations, at which the Applicant or its successor in title/ownership shall have an opportunity to be heard and present evidence in defense of the allegations of such violations.

§1507. Interpretation; conflict with other law.

In its interpretation and application, the provisions of this Article shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. This Article is not intended to supersede other rules, regulations or laws, provided that whenever the requirements of this Article are at a variance with the requirements of any other lawfully adopted regulations, rules or laws, the most restrictive shall apply.

§1508. Severability.

If any section, subsection, phrase, sentence or other portion of this Article is for any reason held invalid, void, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

This Local Law shall take effect immediately upon filing with the Secretary of State of New York.