

**§ 118-74. Solar energy systems.**

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

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

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

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

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

ROOFTOP MOUNTED OR BUILDING MOUNTED — A solar power system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or modules fixed to frames which can be tilted toward the south at an optimal angle.

SMALL-SCALE SOLAR — For purposes of this chapter, the term "small-scale solar" refers to solar photovoltaic systems rated up to ~~10~~ kilowatts (kW) per hour of energy or solar thermal systems which serve the building to which they are attached.

SOLAR COLLECTOR — A solar photovoltaic cell, panel or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

C. Applicability.

(1) This section applies to all scales of solar energy systems that are accessory to a principal use modified or installed after the effective date of this chapter, unless a building permit was properly issued prior the effective date of this chapter.

- (2) All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and standards.
- (3) Solar energy collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit collective solar installations or the sale of excess power through a net billing or net metering arrangement in accordance with New York Public Service Law, § 66-j, or similar state or federal statutes.

D. Permitting.

- (1) Rooftop- and building-mounted solar collectors. Rooftop- and building-mounted solar systems shall be permitted as of right in all zoning districts with issuance of a building permit.
- (2) Freestanding or ground-mounted solar collectors.
  - (a) Freestanding or ground-mounted solar collectors shall be permitted in all zoning districts but shall require a ~~building permit~~ and may be subject to additional requirements as prescribed in this section.
  - (b) ~~On lots less than 10,000 square feet in size, building permits for~~ freestanding or ground-mounted solar collectors shall require review by the Planning Board to ensure that there is appropriate solar access with regard to neighboring properties to avoid future solar access conflicts, ~~as discussed in Subsection F below,~~ and that the collectors are located to minimize aesthetic impacts.
    - [1] ~~Upon receipt of a complete building permit application (including the payment of a fee), the Code Enforcement Officer shall submit a copy of the application to the Planning Board for review at the next Planning Board meeting.~~
    - [2] The Planning Board shall review the application and provide a recommendation for approval, disapproval or approval with conditions within 45 days of receipt of the application.
- (3) Solar-thermal systems. Solar-thermal systems are permitted in all zoning districts ~~but shall require a building permit for the installation of all such systems.~~

E. Additional accessory use development exemptions and standards.

- (1) Solar energy systems and equipment shall be permitted only if they are determined by the Town of New Hartford not to present any unreasonable safety risks, including, but not limited to, the following:
  - (a) Weight load.
  - (b) Wind resistance.
  - (c) Ingress and egress in the event of fire or other emergency.
- (2) For purposes of this chapter, freestanding or ground-mounted solar collectors ~~are permitted accessory uses in all districts that shall meet the applicable development standards for accessory uses in this chapter, except that~~ they shall be exempt from being counted toward the maximum number of accessory structures and square footage of accessory structures.
- (3) ~~Small scale, freestanding or ground mounted solar collectors shall be screened from view when located in the side yard in the RA, LDR, MDR, HDR and MU Districts unless they are set back at least 75 feet from the front lot line, through the use of architectural features, earth berms or landscaping.~~
- (4) ~~All solar energy collectors larger than a small scale solar energy system, as defined in this section, shall be located in the rear of the lot in the RA, LDR, MDR, HDR and MU Districts unless the following exists:~~
  - ~~(a) The conditions of the rear yard prohibit the installation of a system;~~
  - ~~(b) Adequate buffering along the adjacent roadway is provided; and~~
  - ~~(c) The location is approved by the Planning Board using the same approval process as outlined in Subsection D(2)(b) above.~~

~~F. Solar access protection.~~

- ~~(1) When a solar energy collector, whether active or passive in nature, is installed on a lot, structures or vegetation installed or constructed on an abutting lot that was unimproved at the time of the installation of the solar energy collectors shall not~~

~~be constructed so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is that portion which:~~

~~(a) Is located so as not to be shaded between the hours of 9:00 a.m. and 3:00 p.m. on December 21 by a hypothetical ten foot wall located on the lot line; and~~

~~(b) Has an area not greater than 1/2 of the heated floor area of the structure.~~

~~(2) Information regarding the location of buildings and vegetation on the adjacent unimproved lot to avoid blocking solar access, as described in Subsection F(1)(a) and (b) above, shall be provided by the property owner installing the solar energy collectors when applying for a building permit.~~

~~(3) Prior nonconforming uses.~~

~~(a) Owners or possessors of real property on which trees, shrubs, or other flora were growing at the time this chapter became effective and which did cast a shadow during the designated hours greater than that permitted by this section shall not be subject to the provisions of this section except for meeting the limitations specified below.~~

~~(b) This subsection shall not be construed to limit other means of terminating or regulating the nonconforming uses specified in Article XII of this chapter.~~