

PROPOSED LOCAL LAW A (2024)

**AMENDMENT OF THE VILLAGE OF LANSING CODE/ZONING LAW
TO ADD A SECTION ON SOLAR ENERGY SYSTEMS**

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

SECTION I. PURPOSE AND INTENT.

It is the purpose and intent of this local law to amend the Village of Lansing Code/Zoning Law to advance and protect the public health, safety, and welfare of the Village community by creating regulations for the development, installation, and operation of renewable energy systems and equipment based on sunlight. It is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life in accordance with the Village Comprehensive Plan.

SECTION II. AMENDMENTS.

Chapter 145 (entitled “Zoning”) of the Village of Lansing Code is hereby amended to add the following definitions to Section 145-3:

Building-Integrated Solar Energy System-- A combination of solar panels and solar energy equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

Ground-mounted Solar Energy System-- A solar energy system which is secured to the ground via a pole, ballast system, or other mounting system; is detached from any other structure; and which generates electricity for onsite or offsite consumption.

On-farm Solar Energy System-- A solar energy system located on a farm which is a “farm operation” (as defined by Article 25-AA of the Agriculture and Markets Law, which may include one or multiple contiguous or non-contiguous parcels, and in accordance with Agriculture & Markets Law § 301[11]) in an agricultural district, which is designed, installed, and operated so that the anticipated annual total amounts of electrical energy generated do not exceed more than 110% of the anticipated annual total electrical energy consumed by the farm operation.

Roof-mounted Solar Energy System-- A solar energy system located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

Tier 1 Solar Energy Systems-- Residential roof-mounted solar energy systems, residential building-integrated Solar energy systems, and on-farm Solar energy systems.

Tier 2 Solar Energy Systems-- Residential ground-mounted solar energy system with a total panel surface area less than or equal to 1325 square feet. Commercial ground-mounted solar energy systems and commercial roof-mounted solar energy systems, with a nameplate capacity of up to 0.25 MW AC and which generate no more than 110% of the electricity consumed on the site over the previous 12 months.

Tier 3 Solar Energy Systems-- Solar energy systems that are not Tier 1 or Tier 2.

And; Chapter 145 (entitled “Zoning”) of the Village of Lansing Code is hereby amended to add Section 145-19 entitled “Solar Energy Systems” as follows:

145-19 Solar Energy Systems.

- A. Purpose. The purpose of this section is to advance and protect the public health, safety, and welfare of the Village community by creating regulations for the development, installation, and operation of renewable energy systems and equipment based on sunlight. It is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life in accordance with the Village Comprehensive Plan.
- B. Objectives. Solar energy systems are appropriate in all zoning districts, including Planned Development Areas (PDAs), when measures are taken, as provided in this section, to minimize adverse impacts on neighboring properties and to protect the public health, safety, and welfare of the Village community with the following objectives:
 - (1) Take advantage of a safe, abundant, renewable, and non-polluting energy resource;
 - (2) Mitigate adverse aesthetic impacts of solar energy systems on neighboring properties and on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources; and
 - (3) Further the Village Comprehensive Plan including land management, mitigation of tree loss, maintenance of setbacks, and maintenance of the character of existing neighborhoods.
- C. Applicability.
 - (1) The requirements of this Section shall apply to all solar energy systems permitted, installed, or modified in the Village after the effective date of this section, excluding general maintenance and repair.
 - (2) Solar energy systems constructed or installed prior to the effective date of this section shall not be required to meet the requirements of this section.
 - (3) Modifications to an existing solar energy system that increase the facility area shall be subject to this Section.
- D. General Requirements.
 - (1) The Village of Lansing Solar Application shall be required for installation of all Tier 1, Tier 2, and Tier 3 Solar Energy Systems, with the exception of dedicated solar thermal installations.
 - (2) A building permit shall be required for installation of all Tier 1, Tier 2, and Tier 3 Solar Energy Systems.
 - (3) A Special Permit shall be required for the installation of all Tier 2 and Tier 3 Solar Energy Systems.

- (4) Solar Energy Systems shall be subject to the setback regulations for accessory or principal buildings, based on size and height, as defined by Village Code Section 145-3, within the underlying zoning district.
 - (5) Removal of existing trees necessary for installation of the solar energy system shall comply with Village Code Section 145-27 (B).
 - (6) All solar panels shall have anti-glare and anti-reflective coating(s).
 - (7) All Roof-Mounted Solar Energy Systems shall comply with the height limitations in the Village Code.
 - (8) Ground-Mounted Solar Energy Systems shall comply with the height limitations for “accessory buildings” in the Village Code Section 145.
 - (9) Issuance of permits and approvals by the Planning Board shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (“SEQRA”)].
 - (10) Prior to the issuance of the building permit or final approval by the Planning Board, construction and/or site plan documents must be signed and stamped by a NYS Licensed Professional Engineer or NYS Registered Architect.
 - (11) All solar energy systems 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 (“Uniform Code”), the NYS Energy Conservation Code (“Energy Code”), and the Village Code.
 - (12) For solar energy systems subject to site plan review, the Village may impose and may update as appropriate, a schedule of fees to recover expenses associated with engineering, environmental, or legal services determined to be necessary in the processing of an application under this law.
 - (13) The owner/operator of a Solar Energy System shall be responsible for the removal of incomplete, unused or inactive solar energy systems, the elimination of all safety hazards, the remediation of the site, and all costs associated therewith pursuant to Subsections (G) and (H) below and the provisions of the Village Code.
 - (14) Special Permit applicants are subject to the rules and requirements of Village Code Section 145-59.
- E. Ownership Changes. If the owner or operator of the solar energy system changes or the owner of the property changes, the original permitting requirements, and conditions shall remain in effect, including any decommissioning plan or operations and maintenance plan, provided that the successor owner or operator assumes in writing all of the obligations of said plan(s). Upon the issuance of a building or/and special permit for a solar energy system which contains such additional requirements or conditions, the owner or operator of the solar energy system shall file a Notice of Solar Permit, provided by the Village Code and Zoning Officer, in the Tompkins County Clerk’s Office in Miscellaneous Records and indexed to the property’s source deed. A new owner or operator of the solar energy system

shall notify the Village Code and Zoning Officer of such change in ownership or operator within 30 days of the ownership change and acknowledge, in writing, that they agree to take on the rights and obligations under the original permit.

F. Permitting Requirements.

(1) Tier 1 Solar Energy Systems. All Tier 1 Solar Energy Systems shall be permitted in all Residential and Agricultural Zoning Districts, including Planned Development Areas, with the issuance of a building permit. In addition to the General Requirements in Section 145-19(D) above, Tier 1 Solar Energy Systems shall be subject to the following requirement:

(a) Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.

(2) Tier 2 Solar Energy Systems. All Tier 2 Solar Energy Systems shall be permitted in all zoning districts, including Planned Development Areas, with Special Permit approval and the issuance of a Building Permit. In addition to the General Requirements in Section 145-19(D) above, Tier 2 Solar Energy Systems shall be subject to the following requirements:

(a) Application & Site Plan Review Requirements. Applications for Tier 2 Solar Energy Systems, including materials for site plan review, shall include, but are not limited to the following:

(i) Special Permit applications and required information shall be provided as per Village Code Section 145-59. Additional information may be requested by the Village Code and Zoning Officer and/or Planning Board as part of the review process.

(ii) Proposed changes to the landscape of the site, including site grading, vegetation clearing and planting, the removal of any large trees, access roads, exterior lighting, signage, fencing, landscaping, screening vegetation or structures, and buffering plan.

(iii) A preliminary equipment specification sheet that documents all proposed solar panels, system components, mounting systems, racking system details, and inverters that are to be installed.

(b) Standards. Tier 2 Solar Energy Systems shall adhere to the following standards:

(i) Screening/Visibility. Tier 2 Solar Energy Systems shall have views buffered from adjacent properties using architectural features, earth berms, landscaping, or other screening methods

that will harmonize with the character of the property and surrounding area and must be continually maintained. The buffering plan is subject to Planning Board approval.

- (ii) Tier 2 Commercial Solar Energy Systems may require, at the discretion of the Planning Board, a Property Operation and Maintenance Plan that describes continuing site maintenance, anticipated dual-use, and property upkeep, such as mowing and trimming, may be required.
- (iii) Screening and Visibility. Tier 2 Solar Energy Systems over 600 square feet shall be required to:
 - a) Conduct a visual assessment of the visual impacts of the solar energy system on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report, may be required by the Planning Board to be submitted by the applicant.
 - b) Submit a screening & landscaping plan, subject to Planning Board approval, showing adequate measures to screen through landscaping, grading, or other means so that views of solar energy system shall be minimized from public roadways and adjacent properties to the extent feasible.
 - i. The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the Village.
 - ii. The Planning Board may waive this requirement based on an applicant's demonstration of non-impact or impact mitigation on adjacent parcels.
- (iv) Environmental Resources:
 - a) Trees. Tier 2 Solar Energy Systems shall be subject to the minimum tree density requirements, per Village Code Section 145-27(C).

- b) Tier 2 Solar Energy System owners shall utilize and maintain native perennial vegetation to provide foraging habitat for pollinators in all appropriate areas within the facility area.
- (3) Tier 3 Solar Energy Systems. All Tier 3 Solar Energy Systems shall be permitted in all non-residential zoning districts with Special Permit approval and the issuance of a Building Permit. In addition to the General Requirements in Section 145-19(D) above, Tier 3 Solar Energy Systems shall be subject to the following requirements:
- (a) Application & Site Plan Review Requirements. Applications for Tier 3 Solar Energy Systems, including materials for site plan review, shall include the following:
 - (i) A Property Operation and Maintenance Plan that describes continuing site maintenance, buffering maintenance, anticipated dual-use, and property upkeep, such as mowing and trimming.
 - (ii) A Decommissioning Plan signed by the owner and/or operator of the solar energy system shall be submitted by the applicant. The applicant shall provide a decommissioning security which shall adhere to the following requirements:
 - a) The deposit, execution, or filing with the Village Clerk of cash, bond, or other form of security acceptable to the Village attorney and/or engineer, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal, with the Village of Lansing as the assignee, in an amount approved by the Village of Lansing.
 - b) The amount of the bond or security shall be 115% of the cost of removal and site restoration for the Tier 3 Solar Energy System and shall be revisited every five years and updated as needed to reflect any changes. The decommissioning amount shall be reduced by the amount of the estimated salvage value of the solar energy system.
 - c) If the owner and/or operator fails to comply with decommissioning upon any notice and order under Village Code Section 145-19 (G), the Village may, at its discretion, utilize any bond and/or security for the removal of the solar energy system and restoration of the

site in accordance with the filed decommissioning plan and Section 145-19 (H).

- (b) Special Permit Standards. The Planning Board may issue a Special Permit for a Tier 3 Solar Energy System only after it has found that all the following standards and conditions have been satisfied, as well as Village Code Section 145-59:
 - (i) Underground Requirements. All utility lines located outside of the facility area shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.
 - (ii) Vehicular Paths. Vehicular paths within the facility area shall be designed in compliance with Uniform Code requirements to ensure emergency access while minimizing the extent of impervious materials and soil compaction.
 - (iii) Signage.
 - a) No signage or graphic content shall be displayed on the solar energy system except the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area no more than eight square feet.
 - b) As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
 - (iv) Lighting. Lighting of the Solar energy systems shall meet all requirements set forth in Village Code Section 145-20.2.
 - (v) Fencing Requirements. As required by NEC, all mechanical equipment, including any structure for Battery Energy Storage System components, shall be enclosed by a seven-foot-high fence, with a self-locking gate to prevent unauthorized access. To the extent permissible under NEC guidelines, fencing shall be designed and constructed to be wildlife-friendly.
 - (vi) Screening and Visibility. Tier 3 Solar energy systems shall be required to conduct a visual assessment of the visual impacts of

the solar energy system on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report, may be required by the Planning Board to be submitted by the applicant.

(vii) Submit a screening & landscaping plan, subject to Planning Board approval to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized from public roadways and adjacent properties to the extent feasible.

a) The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the Village.

b) The Planning Board may waive this requirement based on an applicant's demonstration of non-impact or impact mitigation on adjacent parcels.

(viii) Environmental Resources

a) Trees. Tier 3 solar energy systems shall be subject to the minimum tree density requirements, per Village Code Section 145-27(C).

b) Integrated Pest Management. Integrated pest management practices shall be used to refrain from/limit pesticide use (including herbicides) for long-term operation and site maintenance. Details regarding these practices must be included in any Property Operation and Maintenance Plan.

G. Validity, Abandonment and Cause for Decommissioning.

(1) The Building Permit for a solar energy system shall be valid for 12 months. In the event construction is not timely completed in accordance with the final site plan – the applicant may request to extend the time to complete construction. Following an extension request, the Planning Board shall hold a public hearing and determine whether to extend the time limit for the building permit for a period not exceeding an additional 12 months from its original expiration date. If the owner and/or operator fails to complete construction and installation within 24 months from the date the building permit was issued, the approval shall expire.

(2) If the owner and/or operator fails to complete construction and installation within the period of the valid building permit, the Village may notify in writing

the owner and/or operator to decommission the solar energy system according to the approved and filed decommissioning plan, including within the time frame established, or in the absence of a filed decommissioning plan, within six months of the date of said notification.

- (3) Upon cessation of electricity generation of a solar energy system on a continuous basis for 12 months, the Village may notify in writing the owner and/or operator of the solar energy system that the system has been deemed abandoned and order the owner and/or operator to decommission the solar energy system according to the approved and filed decommissioning plan, including within the time frame established, or in the absence of a filed decommissioning plan, within six months of the date of said notification.
- (4) In addition to the reasons listed above, the Village may order the decommission of the solar energy system for the following reasons: the lack of a current permit; failure to maintain any required decommissioning bond or other security; a violation of any site plan conditions or permit conditions that continues more than 30 days after the Village provides written notice of such violation (or, if the violation is not reasonably capable of cure within 30 days, if the owner or operator fails to commence to cure such violation within such thirty-day period and thereafter diligently and with continuity prosecute such cure to completion in a period not to exceed 90 days after the Village's notice); any other event occurs that requires decommissioning as stated in the decommissioning plan.
- (5) Any notice and order issued pursuant to this subsection shall be issued by the Village Code Enforcement Officer to the owner or person, company or other entity having control of the system, and to the owner of the lot on which such system is located. The notice and order shall set forth a deadline by which such removal and/or decommissioning plan must be completed. This notice and order shall also state that in the event that the recipient of such order fails to perform such action by such stated date and time, the Village may perform such action, and the cost of such action by the Village shall be charged to the owner of the subject property. Such notice shall be served either personally or by registered or certified mail.

H. Remedies.

- (1) Upon receipt of a notice and order issued pursuant to Subsection (G) above, the owner of the subject property shall be obligated to perform the work indicated within the time set forth in the order. If the owner fails to do so, the Code Enforcement Officer shall notify the Village Board of Trustees. The Village Board of Trustees shall thereupon schedule a hearing at which the owner shall have an opportunity to present to the Board the reasons for such failure. Such hearing shall occur within sixty (60) days of the Board's receipt of notice of the failure, and the Board shall cause the owner to be notified of the hearing at least ten (10) days in advance of the same. Following such hearing, the Board may determine that decommissioning or removal is necessary in order to maintain

compliance with the terms of this zoning chapter and may order that such work be performed by the Village. Upon making such a determination, the Board may resolve to have the Village Superintendent of Public Works perform such work using Village employees and equipment or contracting for such services in the name of the Village.

- (2) In the event that the Village has performed or caused to be performed such work, the Superintendent of Public Works shall file with the Village Treasurer a sworn statement of all costs, expenses and fees incurred by the Village in connection with the performance of such work. Likewise, the Village Clerk shall file with the Village Treasurer a sworn statement of all costs, expenses and fees incurred by the Village in connection with the owner's failure to perform such work, including but not limited to cost of service of the order, legal fees and additional insurance or bond costs. In the absence of adequate financial surety (because none is required for Tier 1 or Tier 2 solar energy systems, or if the Village does not recover its costs and expenses from financial security required for Tier 3 solar energy systems), a copy of both such sworn statements, together with an invoice for the total of the same, shall be mailed to the owner of the subject property by registered or certified mail. The owner shall be responsible for the payment of all costs, expenses and fees of the Village in connection with the owner's failure to perform the required work, including but not limited to all costs of labor, materials, service of the order, legal fees, surveying fees, engineering fees and additional insurance or bond costs incurred or expended by the Village in connection with the performance of such work. Whenever used in this section, the term "owner" shall be deemed to refer to the record owner of the subject property as set forth on the current tax rolls prepared by the Tompkins County Assessment Office, as such rolls have been supplied to the Village.
- (3) If the owner fails to pay the amount set forth on such invoice within thirty (30) days of the date of mailing of such invoice, the Village Treasurer shall enter the two (2) sworn statements in the records of the Village Treasurer as a lien against the property upon which the work has been performed and shall add the same to the next assessment roll of general Village taxes, and the Village Treasurer shall collect and enforce this assessment in the same manner, by the same proceedings, at the same time and with the same penalties as the Village tax and as part thereof, except that in addition to the penalties otherwise provided for herein, interest shall run from the date of the filing of the sworn statements to the date of the Village Tax Bill at the maximum rate currently permitted under applicable law. Notwithstanding the foregoing, the Village, at its option, may also institute suit against the owner for such costs, expenses and fees. The provisions set forth in this § 145-19 (H) are not to be deemed exclusive remedies and shall not prevent or limit the Village from enforcing the provisions of this chapter in any other manner authorized in accordance with this chapter or any other law, rule or regulation of the Village or of the State of New York.

- I. Enforcement. Any violation of this Solar Energy Law shall be subject to the enforcement provisions, including the civil and criminal penalties, forth in Village Code Section 75-78.

- J. Severability. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Section, as declared by the valid judgment of any court of competent jurisdiction, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

And; Appendix I of Section 145 (entitled “Solar Decommissioning Plan”) of Chapter 145 (entitled “Zoning”) of the Village of Lansing Code is hereby added as follows:

Appendix I: Solar Decommissioning Plan

Date: [Date]

Decommissioning Plan for [Solar Project Name], located at: [Solar Project Address]

Prepared and submitted by [Solar Developer Name], the owner of [Solar Farm Name]

As required by the Village of Lansing, [Solar Developer Name] presents this decommissioning plan for [Solar Project Name] (the “Facility”).

System decommissioning shall be required as a result of any of the following conditions:

1. The land lease – if any – ends, unless the project owner has acquired the land.
2. The solar energy system ceases to generate electricity on a continuous basis for 12 months.
3. The solar energy system is damaged and will not be repaired or replaced by [Solar Developer Owner].

If any of the above conditions are met, and upon notification or instruction by the Village of Lansing, [Solar Developer Name] shall implement this decommissioning plan. System decommissioning and removal, as well as all necessary site restoration or remediation activities, shall be completed within six months.

The owner of the Facility, as provided for in its lease with the landowner, and in accordance with the requirements of the Village of Lansing zoning law, shall restore the property to its condition as it existed before the Facility was installed, pursuant to which shall include the following:

1. Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations located less than 36-inches below the soil surface, and/or less than 48-inches below the soil surface in areas consisting of **Mineral Soil Groups (MSG) 1-4 and/or Active Agricultural Lands**.
2. For projects located on areas consisting of **MSG 1-4 and/or Active Agricultural Lands**, removal of all operator owned equipment, concrete, conduits, structures, fencing, and foundations in accordance with the decommissioning requirements contained in the NYS Department of Agriculture and Markets’ “Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands.”
3. Removal of any solid and hazardous waste caused by the Facility in accordance with local, state, and federal waste disposal regulations.
4. Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain.

An appendix is included in this plan to provide a project schedule detailing a breakdown of tasks required for the decommissioning removal of the system, including:

1. Time required to decommission and remove the system and any ancillary structures.

2. Time required to repair any damage caused to the property by the installation and removal of the system.

The cost of system decommissioning and removal, as well as all necessary site remediation and restoration activities, is estimated to be \$[XXX] as of the date and time this application is filed. A decommissioning security shall be executed in the amount of 115% of the cost of system decommissioning, removal, and site restoration.

This cost estimate and decommissioning surety will be revisited every five years and updated as needed to account for inflation or other cost changes.

The owner of the Facility, currently [Solar Developer Name], is responsible for this decommissioning.

Facility Owner Signature: _____

Date: _____

And; Appendix J of Section 145 (entitled “Solar Permit Matrix”) of Chapter 145 (entitled “Zoning”) of the Village of Lansing Code is hereby added as follows:

Appendix J: Solar Permit Matrix

Required Permits

	Village Solar Application	Building Permit	Special Permit
Tier 1 Solar System	X	X	
Tier 2 Solar System	X	X	X
Tier 3 Solar System	X	X	X

SECTION III. SUPERSEDING EFFECT.

All local laws, resolutions, rules, regulations, and other enactments of the Village of Lansing in conflict with the provisions of this local law are hereby superseded to the extent necessary to give this local law full force and effect.

SECTION IV. VALIDITY.

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law that can be given effect without such invalid provision.

SECTION V. EFFECTIVE DATE.

This Local Law shall be effective ten (10) days after publication and posting as required by law, except that it shall be effective from the date of service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.