

(2) Special Use Permit Application Requirements. For a special permit application, the site plan application is to be used as supplemented by the following provisions.

- a) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
- b) Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required.
- c) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.

(3) Special Use Permit Standards.

- a) Height and Setback. The height of the Large-Scale Energy Systems shall not exceed fifteen (15) feet when oriented at maximum tilt. Setback requirements shall be as stated for the underlying zoning district, except all inverters shall be setback the lesser of 100' or until electro-magnetic field (EMF) meets background level, as determined by the World Health Organization (WHO).
- b) Area of Use. The area of use for a Large-Scale Solar Energy System shall be a maximum of twenty (20) acres.
- c) Lot Coverage. A Large-Scale Solar Energy System located in the AR-3, AB-3, NR, I, or H zoning district shall be granted an additional ten percent (10%) bonus lot coverage of the lot on which it is to be installed as listed for non-residential use from the Schedule of District regulations. A Large-Scale Solar Energy System located in the R-5 zoning district shall be granted an additional twenty-five percent (25%) bonus lot coverage of the lot on which it is to be installed as listed for non-residential use from the Schedule of District regulations. The surface area covered by Solar Panels shall be included in total lot coverage.
- d) All solar energy production facilities shall be designed and located in order to prevent reflective glare onto roadways or adjacent structures.
- e) A minimum twenty-five (25) foot perimeter buffer; except for the area of roadway access; which may be partially or totally within the perimeter lot line setback, consisting of natural and undisturbed vegetation, supplemented with evergreen plantings in accordance with Town of Rochester zoning code standards, as may be required by the Planning Board, shall be provided around all mechanical equipment and solar panel arrays to provide screening from adjacent properties and Town,

county and state roads. Landscape screening shall be provided in accordance with the landscaping provisions of this chapter.

- f) A land grading and vegetation clearing plan shall be prepared. Clear-cutting of all trees in a single contiguous area shall be limited to the area of the equipment compound plus the area of an emergency access roadway and the area required for solar access.
- g) Non-invasive ground cover under and between the rows of solar panels shall be low-maintenance, drought-resistant, and non-fertilizer-dependent.
- h) Debris, materials and/or mulch generated by site clearing or construction shall not be stockpiled onsite.
- i) All local stormwater regulations shall be complied with. The applicant shall comply with the State Pollutant Discharge Elimination System guidelines. If determined to be required, a SWPPP (Stormwater Pollution Prevention Plan) shall be prepared and a stormwater, erosion, and slope analysis of the land shall be required to be assessed by a New York State licensed professional engineer for the site and any road used to access the site.
- j) All Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be determined by the Town of Rochester Planning Board. The fencing and the system may be further screened by any landscaping needed to avoid adverse aesthetic impacts.
- k) Signs. A sign no greater than two square feet indicating the name of the facility owner(s) and a 24-hour emergency telephone number shall be posted. In addition, "No Trespassing" or other warning signs may be posted. All signage shall be maintained in legible condition and contain accurate information. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. No signage of any kind shall be allowed to be attached to solar panels or support structures, except any required safety warnings.
- l) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
- m) A decommissioning plan, as detailed in 140-37 (K), shall be prepared. Compliance with this plan shall be made a condition of the issuance of a special use permit under this Section.

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- n) The solar energy production facility shall comply with § 140-20, General Commercial and Industrial Standards.
- J. Registration of Large Scale Solar Energy Production Facilities.
- (1) Purpose. The Town of Rochester desires to develop a registration system to ensure all large-scale solar energy production facilities are properly maintained and to ensure all owners properly maintain and inspect their facilities.
 - (2) All owners of large-scale solar energy production facilities located in the Town of Rochester shall be required to register the facility upon granting of a Certificate of Occupancy. Facilities in existence as of the effective adoption date of this chapter shall have sixty (60) days from the filing of this chapter to register.
 - (3) The local large-scale solar energy production facility registration system shall be administered by the Code Enforcement Office. The Town Board shall establish the fees structure for the registration which may be amended by resolution from time to time.
 - (4) Registration shall be effective for a three year period, with renewal required prior to expiration date. Recertification shall be required for year two and three as described in this chapter.
 - (5) Registration Requirements. The owner shall provide and certify to the Town the following:
 - a) The name, mailing address, phone number, email address, and an emergency contact name for the corporation or owner of the solar energy production facility.
 - b) The name, mailing address, phone number, email address, and an emergency contact name for each entity which leases space from the facility owner.
 - c) Written certification the large-scale solar energy production facility is in compliance with the approval and in compliance with all applicable codes, laws, rules, and regulations
 - d) Written certification onsite vegetation has been maintained to ensure the desired screening effect.
 - (6) Inspection of Facilities. The owner and any and all lessees, renters, and/or licensees of large-scale solar energy production facilities shall agree in writing to allow the Code Enforcement Officer access to inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification, and maintenance of such facilities, including, but not limited to, solar panels, support structures, and buildings or other structures constructed or located on the permitted site to verify accordance with any

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applicable technical, safety, fire, building, and zoning codes, laws, regulations, and other applicable requirements.

- (7) Notification of Termination of Use. The owner shall sign a letter of commitment, which shall commit the large-scale solar energy production facility owner and its successors and assigns to notify the Building Inspector, in writing, within 30 days of the discontinuance of use of the facility. Failure to notify and thereafter remove the facility and all appurtenances shall be deemed a violation punishable under applicable provisions of the Town of Rochester Zoning Law. Notwithstanding this provision, the Building Inspector shall have the right to independently investigate any discontinuance of the facility and render a written determination setting forth the extent, duration and facts evidencing the violation and the discontinuance of the facility. Upon rendering said written determination, written notice of the determination shall be provided to the owner and the lessees of the facility and the owners of the real property upon which the facility is situate by certified mail, return receipt requested. Sixty (60) days after proven receipt of the notice of the determination by the facility owner, any lessee of the facility and the owners of the real property said facility is situate thereon, the Building Inspector and the Town of Rochester may commence legal proceedings and have the facility removed from the site in accordance with all applicable law.
- (8) Annual Certification. Recertification by the facility owner of the following information shall be required for year two and three of each registration period and be due on the anniversary date of registration.
 - a). The name, mailing address, phone number, email address, and an emergency contact name for the corporation or owner of the solar energy production facility.
 - b) The name, mailing address, phone number, email address, and an emergency contact name for each entity which leases space from the facility owner.
 - c) The large-scale solar energy production facilities are in compliance with the approval and in compliance with all applicable codes, laws, rules, and regulations
- (9) Renewal of Registration. Registrations shall be required to be renewed beginning with a period of time ninety (90) days prior to expiration until the anniversary date of the registration.
- (10) Changes in Registration Information. The owner shall provide notice to the Town of any changes in registration information within thirty (30) days of such change.

K. Decommissioning Plan for Solar Energy Systems

- (1) Any use which requires approval by the Planning Board shall include a decommissioning plan approved by the Planning Board

- (2) The Decommissioning Plan shall specify that after the Solar Energy System will no longer be used, it shall be removed by the applicant or any subsequent owner and shall include a signed statement from the party responsible for completing the Decommissioning Plan acknowledging such responsibility.
- (3) 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.
- (4) The plan shall state disposal of all solid and hazardous waste shall be in accordance with local, state, and federal waste disposal regulations.
- (5) The plan shall include an expected timeline for execution.
- (6) The plan shall include a cost estimate detailing the projected cost of executing the Decommissioning Plan prepared by a Professional Engineer or Contractor. Cost estimations shall take into account inflation.
- (7) Removal of Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Solar Energy System is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.

L. Abandonment and Removal of Energy Systems

- (1) Any solar energy facility which ceases to operate shall be wholly removed from the site. Ceases to operate is defined as not performing all normal functions associated with operation of the solar energy facility and its equipment on a continuous basis for a period of one year.
- (2) In the event the solar energy facility is not so removed, the Town Board, upon notice from the Code Enforcement Officer shall give written notice to the owner of such facility (i) stating that the solar energy facility is considered abandoned, and (ii) setting a time, date and place for a public hearing. Such public hearing shall be on not less than thirty days notice to such owner. Upon a finding that the solar energy facility has been abandoned, the Town Board shall deliver written notice to the facility owner indicating the reasons for its finding, and directing that the solar energy facility be removed within one hundred twenty days. In the event that the solar energy facility is not so removed, the Town Board may commence an action in Supreme Court against the owner of such facility seeking an order requiring the removal.

- (3) Upon recommendation of the Building Inspector, the Town Board may waive or defer the requirement that a solar energy facility be removed if it determines that retention of such facility is in the best interest of the Town.
- (4) Should the town remove the solar energy facility pursuant to this subsection; the Town shall chargeback any costs against the owner and/or applicant. If the owner of said property does not pay said charges, they shall be included as a part of the next town tax bill, and said charge shall be due and payable by said owner at the time of payment of said bill.

Section 5 Appendix A, Schedule of District Regulations, shall be amended as follows:

Solar Energy System, Large Scale shall be added as a Special Use in the AR-3, AB-3, R-5, NR, I, and H zoning districts

Solar Energy System, Small Scale shall be added as an Accessory Use in all zoning districts

Solar Energy System, Subdivision Use * shall be added as a Principal Permitted Use in the AR-3, R-1, R-2, R-5, and H zoning districts. (Where *= with Site Plan review)

Section 6 Severability

If any part or provision of this local law is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision.

Section 7 Effective Date

This law shall become effective immediately upon filing in the office of the Secretary of State of the State of New York.