

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 Northumberland

Local Law No. 1 of the year 2023

A local law Amending Local Law #4 of the year 2006 and Local Law #2 of 2017 for Solar Energy
(Insert Title)
Facilities

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

County City Town Village
(Select one.)

of Northumberland as follows:

Local Law #4 of the year 2006 (The Zoning Ordinance of the Town of Northumberland) and Local Law #2 of 2017 ("A Local Law Amending Local Law #4 of 2006 and Repealing Local Law #2 of the year 2016") are hereby amended as follows:

I. Amend Zoning Ordinance Article XI, Paragraph A-1(3)(General Regulations) by:

Deleting paragraph "k" in its entirety and replacing it with the following:

k. Solar energy system components shall be screened from adjoining lots and street rights-of-way through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and surrounding area.

Deleting paragraph "q" in its entirety and replacing it with the following:

q. Artificial lighting of solar energy systems shall be limited to lighting required for safety and operational purposes and shall be shielded from all neighboring properties and public roads and shall be operated via spring wound timer or similar switch to ensure the lighting turns off. Motion activated sensors are prohibited.

Deleting paragraph "t" in its entirety and replacing it with the following:

t. Freestanding/ground-mounted solar collectors.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(1) The height of a freestanding/ground-mounted solar collector and any associated system components shall not exceed 16 feet from ground level when oriented at maximum vertical extension and maximum tilt.

(2) The Maximum Lot Coverage for such systems is determined by calculating the area within the required perimeter fence along with any improved areas outside the perimeter fence including the area of the access road and, if different, the utility connection path. For the access road and utility connection path, the Lot Coverage is calculated by multiplying the length of the access road and utility connection path times the greater of the width required for grading or construction or 25 feet.

(3) In the Agricultural Protection District, the Planning Board for Freestanding/Ground-Mounted Solar Collection Systems is granted absolute discretion to direct siting away from and to prohibit siting on land that the Planning Board determines, in their judgment, to be superior agricultural land on the particular parcel.

(4) In all districts where Freestanding/Ground-Mounted Solar Collection Systems are allowed via Special Permit, such systems must be sited in accordance with the following hierarchy:

- (i) Land covered with non-agricultural vegetative cover
- (ii) Land in agricultural production or use.

If the highest priority is not proposed, the Applicant must provide a detailed site selection analysis identifying all lots within 2,000 feet of all suitable interconnection lines and points and identify with specificity why a site of the highest priority has not been proposed. In the site selection analysis, the applicant shall include comprehensive details of the site selection process including physical characteristics of potential sites and correspondence to and from property owners.

IV Amend **ATTACHMENT A** to change the allowed height of "Freestanding/Ground-Mounted Solar Collection System from 20 feet to 16 feet.

**SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS**

APD – Agricultural Protection District

-----Setbacks -----							
	Min. Lot Frontage (ft)	Min. Lot Size (acres)	Front	Side	Rear	Max. Lot Coverage	Height
Permitted Accessory Uses							
Accessory Freestanding/Ground-Mounted Solar Collection System	NA	NA	100 but no closer than any principal building	30	30	lot must be larger than 10 acres and array must be less than 1 acre in size.	15
Accessory Rooftop/Building-Mounted Solar Collection System	NA	NA	NA	NA	NA	NA	NA
Special Permit Uses							
Freestanding/Ground-Mounted Solar Collection System	25	25	100	100	100	20%	16
Rooftop/Building-Mounted Solar Collection System	NA	NA	NA	NA	NA	NA	NA

SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS

I - Industrial

		-----Setbacks -----					
	Min. Lot Frontage (ft)	Min. Lot Size (acres)	Front	Side	Rear	Max. Lot Coverage	Height
Special Permit Uses							
Free Standing / Ground-Mounted Solar Collection System	25	25	100 but no closer than any principal building	100	100	20%	16
Rooftop / Building Mounted Solar Collection System	NA	NA	NA	NA	NA	NA	NA
Permitted Accessory Uses							
Accessory Freestanding/ Ground-Mounted Solar Collection System	NA	NA	100 but no closer than any principal building	30	NA	lot must be larger than 10 acres and array must be less than 1 acre in size	15
Accessory Rooftop/Building-Mounted Solar Collection System	NA	NA	NA	NA	NA	NA	NA

SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS

LF - Landfill

		-----Setbacks -----					
	Min. Lot Frontage (ft)	Min. Lot Size (acres)	Front	Side	Rear	Max. Lot Coverage	Height
Permitted Accessory Uses							
Accessory Freestanding/ Ground-Mounted Solar Collection System	NA	NA	100 but no closer than any principal building	30	30	lot must be larger than 10 acres and array must be less than 1 acre in size.	15
Rooftop / Building Mounted Solar Collection System	NA	NA	NA	NA	NA	NA	NA
Special Permit Uses							
Free Standing / Ground-Mounted Solar Collection System	25	25	100	100	100	20%	16
Rooftop / Building Mounted Solar Collection System	NA	NA	NA	NA	NA	NA	NA

V. Effective Date

This local law shall take effect immediately upon its filing with the Secretary of State of the State of New York.

The invalidity or unenforceability of any provision of this Local Law as declared by the valid judgment of any court of competent jurisdiction shall not affect the validity or enforceability of any other provision, which shall remain in full force and effect.

(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. _____ of 20²³ of the ~~(County)(City)(Town)(Village)~~ of Northumberland Town Board was duly passed by the ~~(Name of Legislative Body)~~ on May 11 20²³, in accordance with the applicable 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

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) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer 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 _____ above.

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

Date: 05/11/23

(Seal)