

**Town of Dickinson**

**Local Law No. 2 of the year 2024**

**A LOCAL LAW CREATING THE SOLAR ENERGY SYSTEMS OVERLAY DISTRICT**

Be it enacted by the Town Board of the Town of Dickinson as follows:

**Section 1. Placement of the Solar Energy Systems (SES) District**

Those portions of the below listed parcels are hereby placed within the SES District. The Town of Dickinson Zoning Map shall be amended accordingly.

Tax Map Numbers:

143.52-2-1	143.52-2-11	143.52-2-21	143.52-2-34	128.03-1-16.1
143.52-2-2	143.52-2-12	143.52-2-22	143.52-2-35	128.03-1-14
143.52-2-3	143.52-2-13	143.52-2-23	142.52-2-36	
143.52-2-4	143.52-2-14	143.52-2-24	142.52-2-37	
143.52-2-5	143.52-2-15	143.52-2-28	142.52-2-38	
143.52-2-6	143.52-2-16	143.52-2-29	144.09-1-3	
143.52-2-7	143.52-2-17	143.52-2-30	144.09-1-4	
143.52-2-8	143.52-2-18	143.52-2-31	144.09-1-5	
143.52-2-9	143.52-2-19	143.52-2-32	144.09-1-20	
143.52-2-10	143.52-2-20	143.52-2-33	128.03-1-15	

**Section 2. Purpose and intent**

- A. The Town of Dickinson intends to protect rural landscape within its boundaries to minimize stormwater pollution and excessive drainage, while trying to comply with the New York State Clean Energy mandate. The purpose of the district is to maintain the current land use and reduce the risk of over-developing the land with Solar Energy Systems the underlying land use is subverted.
- B. The Solar Energy Systems Overlay District has been overlaid onto existing zoning districts. All provisions of the underlying districts remain in full force, except where provisions of the Solar Energy Systems Overlay District differ. In such cases, the more restrictive provision shall apply. The principal control mechanisms of the Solar Energy Systems Overlay District are construction setbacks, drainage plans, landscaped screening from neighboring properties, SWPP review, proximity restriction in relation to existing and proposed Solar Energy Systems, decommissioning plans, and decommissioning bonds with periodic review.
- C. The specific purposes of this district include the following:
  - (1) To preserve the existing community character and land use pattern in the Town;

(2) To minimize potentially adverse land uses, environmental and economic impacts that would result from proposed development; and

(3) To protect stable residential areas.

Section 3. Boundary of Overlay Zone

The boundaries of the Solar Energy Systems Overlay Zone will be the portions of the tax map numbers in Section 1 of this local law. The Solar Energy Systems Overlay Zone may be extended by approval of a proposed Solar Energy Systems application, and by approval to extend the Solar Energy Systems Overlay Zone to include the same.

Section 4. Permitted Uses

The underlying zoning district determines the permitted uses, accessory uses and special permit uses within the Solar Energy Systems Overlay District. Underlying districts within the Solar Energy Systems Overlay District include Sections 600-3, 600-4, 600-5, 600-7, and 600-9, Residential, Industrial, Manufacturing, and Land Conservation.

Section 5. Development regulations

A. Setback requirements.

(1) The minimum setback from the neighboring properties for any proposed Solar Energy Systems will be no less than 50 feet. The Board may require a larger setback for a particular proposed Solar Energy System, depending on the proposed location site, land topography, and visibility from neighboring properties and public highways, taking into consideration any screening requirements.

(2) Any proposed Solar Energy Systems must be no less than three-quarter (3/4) miles from the center point of any existing Solar Energy Systems, to be determined by the Code Enforcement Officer and shall not cover more than five (5%) percent of the total land in one square mile.

B. Additional requirements and standards.

(1) All provisions of the existing Solar Energy Systems Local Law, referred to as Local Law No. 1-2017, must be complied with before any approval may be considered. Where this Local Law conflicts with Local Law No. 1-2017, the more restrictive provisions of either Local Law supersedes and controls.

(2) Board-approved landscaped screening that surrounds entirely any proposed Solar Energy Systems Fences. Landscaped screening includes but is not limited to planting shrubbery and trees, and using existing topography.

- (3) Stormwater Pollution Prevention Permit, which will include mitigating any increased drainage onto neighboring properties.
- (4) A thorough Decommissioning Plan and Decommissioning Bond must be Board reviewed and Board approved.
- (5) The Decommissioning Plan and Decommissioning Bond plan will be reviewed every three years to ensure the adequacy of the bond and plan in relation to the current condition of the Solar Energy Systems.

Section 6.     Remainder

Except as herein amended, the remainder of the Code of the Town of Dickinson will remain in full force and effect.

Section 7.     Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 8.     Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.