

# 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 Fabius \_\_\_\_\_

FILED  
STATE RECORDS  
MAR 15 2022

Local Law No. 1 of the year 2022

A local law Tier 3 Solar Energy Systems Overlay Zone Ditriect  
(Insert Title)

DEPARTMENT OF STATE

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

County  City  Town  Village  
(Select one.)

of Fabius \_\_\_\_\_

as follows:

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

Local Law, Number 1, of 2022 a Local Law amending the Town of Fabius Code by creating a new Section Article 7, Section 150-27 A entitled Tier 3 Solar Energy Systems Overlay Zone District.

Be it enacted by the Town Board the Town of Fabius, Onondaga County, New York as follows:

Section 1. That a new Section Article 7, Section 150-27 A be created as follows:

Tier 3 Solar Energy Systems Overlay Zone District.

A. Applicability. The Tier 3 Solar Energy Systems Overlay Zone District shall apply to a property in conjunction with and in addition to the uses and dimensional controls of the underlying zoning district. Zoning regulations applicable to Tier 3 Solar Energy Systems Overlay Zone Districts as defined in this Code, shall supersede the requirements of the underlying zoning if they are in conflict.

B. Establishment of Tier 3 Solar Energy Systems Overlay District. The Town Board, on recommendation of the Town Planning Board, or at the request of a property owner or on the Board's own initiative may expand or establish a Tier 3 Solar Systems Overlay Zone District on any property in the Town as set forth in the Code.

C. 1) In addition to the procedural requirements applicable to a zone change mandated by Fabius Town Code and/or the New York State Law, the Town Board shall provide at least 30 days for the Town Planning Board to review and comment on any new District or expanded boundary modification.

2) All proposals shall include the following:

a) A survey showing property boundaries, proposed overlay zone boundary and underlying zone district classification.

b) Concept Site Plan being a map drawn to scale prepared by a licensed engineer which graphically depicts the proposed improvements to the property including topographical features, system footprints, travel ways, access location drainage facilities, lighting, landscaping, buffering, fencing and signs.

- c) Map of surrounding land uses and structures within 1,000 feet of the site.
  - d) Narrative discussion of how the site relates to the scenic quality of the area and the impacts, if any, upon the landscape, proposed mitigating measures and the availability of alternate sites.
  - e) Proof of ownership of the land proposed for the overlay districts.
  - f) A completed longform environmental assessment form.
  - g) Present land use.
- 3) The Town Board may designate an applicant or agency to provide the necessary information and may require that additional information be provided in order to render a decision, at the expense of the applicant.

D. Permitted structures and uses.

1) Tier 3 Solar Energy Systems, as defined in Section in the Code, and support facilities regularly and customarily used to operate solar energy systems, shall be permitted only within the Solar Energy System Overlay Zone upon the issuance of a special use permit pursuant to Section 150-27 B of the Code.

2) Structures shall be subject to the applicable controls restrictions of the underlying zoning.

E. Locational guidelines for Solar Energy System Overlay Zone Districts. In considering a zone change, the Town Board shall, to the extent practicable, and in and in its own discretion, seek to:

- 1) The preservation of prime farm land is of imperative importance.
- 2) Prevent saturation of Solar Energy Systems in any one area of the Town.
- 3) To avoid saturation, no Tier 3 Solar Energy System Overlay Zone District shall be approved if it is within 1 mile of an already approved Tier 3 Solar Energy System unless the Town Board make specific findings that it will not have a significant effect on the community character and or prime farm land of the area. There is a presumption that citing a Tier 3 Solar Energy Systems within 1 mile of

an existing Tier 3 Solar Energy System will have a significant effect on community character and or prime farm land and the burden is on the applicant to prove otherwise.

4) Avoid sites that substantially contribute to and are important to the scenic quality of the landscape.

5) Assess the availability and feasible use of alternate sites.

F. If an application for a Solar System Overlay District is approved, the applicant shall then proceed with an application under the Code for a Tier 3 Solar Energy System permit.

Section 2. This Section shall take effect upon the filing N Y State Department of State.

**(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. 1 of 2022 of the ~~(County)(City)(Town)(Village)~~ of Fabius ~~Town Board~~ was duly passed by the Town Board on February 21, 2022, in accordance with the applicable ~~(Name of Legislative Body)~~ 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) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted ~~(Elective Chief Executive Officer\*)~~ on \_\_\_\_\_ 2022, 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) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. ~~(Elective Chief Executive Officer\*)~~

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) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local ~~(Elective Chief Executive Officer\*)~~ 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 1 \_\_\_\_\_ above.



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

Date:

3/1/2022

(Seal)