

LOCAL LAW #3 OF 2015

SOLAR ENERGY SYSTEMS AMENDMENTS LOCAL LAW

TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK STATE

Section 1. Title:

This Local Law shall be known as the Renewable Energy Systems Ordinance for the Town of Brighton.

Section 2. Purpose:

The sustainability of the built environment in the Town, in the face of rising energy costs and of the threat of climate change, is found to be of increasing and vital import to the public health, safety and welfare. Solar energy that is generated on-site can address these issues. The purpose of this Local Law is to promote the use of solar energy sources and to provide for the land planning, installation and construction of Solar Energy Systems, subject to reasonable conditions. All references herein to Sections shall be deemed to refer to Sections of the Brighton Town Code.

Section 3. Amendments:

The following definitions are hereby added to Chapter 201, Definitions:

SOLAR ENERGY SYSTEM - Any solar collector or other solar energy device, or any structural design feature, mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating or for electricity.

SOLAR ENERGY - Radiant energy (direct, diffuse and reflected) received from the sun.

A new Article IX, titled "Solar Energy Systems," is hereby added to Chapter 207 of the Town Code, reading in its entirety as follows:

ARTICLE IX. Solar energy systems.

§207-45. Purpose.

The sustainability of the built environment in the Town, in the face of rising energy costs and of the threat of climate change, is found to be of increasing and vital import to the public health, safety and welfare. Solar energy that is generated on-site can address these issues. The purpose of this article is to promote the use of

solar energy, balance the benefits of solar energy systems with their aesthetic impacts, and provide for the installation and construction of these systems, subject to reasonable conditions.

§207-46. Use classification.

Roof-mounted solar energy systems shall be permitted as accessory uses in all zoning districts and may be installed upon receipt of the necessary building and/or electrical permit(s). This article applies to roof-mounted solar energy systems to be installed and constructed for residential or commercial use.

Solar energy systems that are the principal use of a lot are not permitted.

§207-47. Applicability. This article applies to solar energy systems to be installed and constructed after the effective date of the article.

§207-48. Reviews required.

The installation, replacement or expansion of a solar energy system on a town landmark as designated by the Town of Brighton Historic Preservation Commission shall require Certificate of Appropriateness approval from the Historic Preservation Commission. The Historic Preservation Commission may use subsection C, below, as a guide in their review in addition to the criteria in Chapter 224, Historic Preservation.

B. Solar energy systems not located on a property designated as historic shall require approval by the Architectural Review Board pursuant to Chapter 221 of the Comprehensive Development Regulations if:

They are mounted on a single family or two-family dwelling or townhouse so as to be visible from the street directly in front of the building, or

They are mounted on any principal building other than a single family or two family dwelling or townhouse.

Architectural Review Board guidelines. When reviewing applications for solar energy systems, the Architectural Review Board shall be guided by the following:

The slope and proportions of a roof-mounted solar array should match the slope and proportions of the roof. The distance from the roof surface should be minimized.

Solar arrays should be installed in a regular shape, usually rectangular, but using other, geometric shapes where appropriate, such as to match hip or mansard roofs.

Single arrays of panels are preferred, but multiple panel arrays may be used where deemed appropriate by the Board.

Interruptions of the array with rooftop projections, such as vents or skylights, should be avoided if feasible.

Frame, panel, and equipment colors should match or complement the colors of the roof or wall where mounted, while maintaining the functional integrity and viability of the system.

Durable, non-reflective, factory-applied coatings should be used.

Text, advertising, and/or logos should not be visible.

The visibility of equipment (conduits, pipes, transformers, etc.) should be minimized. Where visible, the conduit should be painted to match the background color.

Solar energy systems shall comply with the Uniform Fire Prevention and Building Construction Code. Solar energy systems shall require a building permit and, as applicable, an electrical permit, and may be installed as long as they meet the requirements of this article and all other applicable construction codes. Unless waived by the Building Inspector, any application for a building permit for the installation, modification and/or replacement of a solar energy system shall be accompanied by:

A site plan showing the location of major components.

Specification sheets and installation manuals for all manufactured components.

A letter or drawing, stamped or signed by a licensed architect or engineer, certifying that the structure can bear the loads imposed by the proposed solar energy system.

Any additional information required by the Building Inspector.

The design of solar energy systems shall conform to all applicable utility and industry standards. This shall include, but not be limited to, compliance with UL1741 (utility interconnection) and with the NEC standards.

§207-49. Location and configuration.

A On a sloped roof, solar energy systems shall extend no more than three feet above the roof surface, measured perpendicular to the roof surface.

On a sloped roof, the highest point of a solar energy system shall not exceed the height of the roof peak.

On a flat roof, the highest point of a roof-mounted solar energy system shall not exceed the greater of four feet above the roof surface or the height of the parapet wall (if present).

Roof-mounted solar energy systems shall not extend past the deck line of the roof.

Section 4. Effective Date:

This Local Law shall take effect immediately upon filing with the Secretary of State.

Section 5. Severability:

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.