

**VILLAGE OF BRONXVILLE
BOARD OF TRUSTEES**

PROPOSED LOCAL LAW NO. 2 - 2022

**A LOCAL LAW TO AMEND CHAPTER 310, ZONING,
TO UPDATE SOLAR ENERGY SYSTEM REQUIREMENTS,
PARTICULARLY IN RESIDENTIAL DISTRICTS**

Be it enacted by the Board of Trustees of the Village of Bronxville as follows:

Section 1: Section 310-22.F of Chapter 310 of the Code of the Village of Bronxville is hereby revised in its entirety to read as follows:

F. Solar energy systems and equipment.

(1) Legislative intent, purpose and definitions.

(a) Legislative intent and purpose. The purpose of these provisions is to allow and encourage solar energy systems and equipment within residential and business districts, according to certain safeguards and conditions. The intent is to balance the desirability and demand for alternative energy systems with maintaining the aesthetics of the Village and minimize the potential for any negative impact by these systems and to protect the health, safety and welfare of the residents of the Village.

(b) Definitions. As used in this Subsection F, the following terms shall have the meanings indicated:

GROUND-MOUNTED SOLAR ENERGY SYSTEM

A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, that generates electricity.

BUILDING-INTEGRATED PRIMARY EQUIPMENT

A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system in such a manner that they blend aesthetically and functionally into that structure (such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows), which produce electricity.

GLARE

The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

ROOF-MOUNTED SOLAR ENERGY SYSTEM

A Solar Energy System located on the roof of any legally-permitted building or structure.

SOLAR ENERGY EQUIPMENT

Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM

The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment.

SOLAR PANEL

A photovoltaic device capable of collecting and converting solar energy into electricity.

- (2) Requirements for approval of Solar Energy Systems.
 - (a) In Residential Zoning Districts:
 - [1] Solar Energy Systems comprised entirely of Building Integrated Primary Equipment, requiring no zoning variance(s), shall not require Land Use Board approval(s), unless the building to which they are attached otherwise requires Land Use Board approval(s); in which case, they will be considered as part of the overall Land Use Board approval for the building. Standard Building Permit procedures shall apply.
 - [2] Other Solar Energy Systems, or exterior components thereof, shall be subject to Design Review Site Plan approval as provided in § 310-22.F(6) of this Code. Standard Building Permit procedures shall also apply.
 - (b) In Non-Residential Zoning Districts: Solar Energy Systems or exterior components thereof, shall be subject to Special Permit approval as required in § 310-42.N of this Code. Standard Building Permit procedures shall also apply.
- (3) Submission requirements for Design Review Site Plan approval for Solar Energy Systems. Notwithstanding provisions of § 310-31 of this Code to the contrary, the site plan information and documentation required for a Solar Energy System site

plan application shall be limited to the required information set forth in rule(s) adopted by the Planning Board from time to time.

- (4) Requirements for Solar Energy System design.
 - (a) Solar Energy Equipment (or components thereof) shall be located in a side or rear yard only and shall comply with all setback requirements for a principal building.
 - (b) Solar Energy Systems shall be permitted only to provide power for use by owners, lessees, residents or other occupants at the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through a "net billing" or similar program in accordance with New York Public Service Law § 66-j or similar state or federal statute.
 - (c) Roof-Mounted Solar Energy Systems.
 - [1] Shall extend no more than 12 inches above the roof surface to which they are affixed;
 - [2] On a flat roof, the equipment shall not extend above any cornice or parapet. Where there is no cornice or parapet, the equipment shall be set back from the roof edges four feet for each foot (or portion thereof) of Solar Energy System height; and
 - [3] Vertical projection. When installed on a building or structure with a sloped roof surface, Solar Panels and Solar Energy Equipment shall not project above the peak of the roof to which they are attached. When installed on a flat roof, such equipment shall not project above any cornice or parapet wall.
 - (d) Ground-Mounted Solar Energy Systems.
 - [1] Shall be located in a side or rear yard only and shall comply with all setback requirements for a principal building;
 - [2] At full extension, shall not exceed 6 1/2 feet in height above the ground, as measured to the highest point on the equipment. If the ground level is raised or built up for the installation, this height will be measured from the preexisting ground level; and
 - [3] The area upon which a Ground-Mounted Solar Energy System is located shall not exceed the lesser of 1,000 square feet in area or 5% of the area of the lot on which it is located.
- (5) Standards for review of Solar Energy Systems by Design Review Committee and Planning Board.

(a) In lieu of the standards for Site Plan review set forth in § 310-30 of this Code, the Design Review Committee and Planning Board shall consider the following design guideline standards and considerations in acting upon an application for a Solar Energy System:

- [1] All measures should be taken to avoid or mitigate any Glare onto neighboring property or public rights-of-way.
- [2] To the greatest extent practicable, equipment shall be installed in a manner that minimizes its visibility from surrounding properties and public rights-of-way while maintaining viability and functional integrity.
- [3] To the greatest extent practicable, Solar Energy Equipment shall use materials, colors and textures designed to blend with the structure to which it is affixed.
- [4] Solar Energy Equipment may be mounted on any section of the roof of a building provided it meets these guidelines and complies with the following requirements:
 - [a] On a pitched roof facing a street or public way, the equipment must be mounted flush, with the plane of the system parallel with the roof surface, and shall be mounted as close to the roof surface as possible.
 - [b] On a pitched roof the highest point of the equipment at full extension shall not extend beyond the highest point of the roof to which it is attached and must be set back in accordance with the current Uniform Fire and Building Code.
 - [c] To the greatest extent practicable, solar collector units shall be consolidated to one area on the roof, rather than scattered in multiple groups on the roof.
 - [d] The equipment shall be installed so as to appear regular in shape and arranged in a pattern that conforms with the general shape and configuration of the roof upon which it is mounted. When the arrangement of equipment is broken up by a building feature, the equipment shall be arranged symmetrically.
 - [e] The equipment and its installation shall not damage or obscure character-defining features, such as dormers, cornices, chimneys, or roofline.

- [5] To the maximum extent possible, all Solar Energy Equipment other than the collectors shall be located within the building or on the side or rear of the building.
 - [6] Ground-Mounted Solar Energy Equipment shall comply with the following requirements:
 - [a] It shall be fully screened from adjacent properties by fencing, a combination of evergreen and deciduous plantings which shall not be less than 6 1/2 feet in height when installed, or, when possible and practicable, through the use of architectural features or screening that will harmonize with the character of the property and surrounding area.
 - [b] All exterior electrical lines must be buried below the surface of the ground where possible or be placed in a conduit.
 - [7] Such other considerations as the Design Review Committee and Planning Board may consider useful in effectuating the legislative intent and purpose of this § 310-22.F.
 - [8] Such other design guideline standards and considerations as the Village Board may adopt by resolution from time to time.
- (6) Streamlined Procedure for Site Plan review of Solar Energy Systems.
- (a) Applications for Site Plan approval for Solar Energy Systems shall not be subject to a § 310-26.B pre-application filing.
 - (b) Applications for Site Plan approval for Solar Energy Systems shall not be subject to the § 310-27 Preliminary Site Plan process. They shall require Final Site Plan approval only as provided in § 310-28. References in § 310-28 to Preliminary Site Plan approval shall not apply.
 - (c) The Design Review Committee shall review each application for a Solar Energy System, including in its consideration the design guideline standards and considerations set forth in §§ 310-22.F(4) and (5)(a) of this Code and report its findings and recommendations to the Planning Board.
 - (d) The Planning Board shall review each Solar Energy System application and shall approve, disapprove, or approve subject to modifications or conditions, being guided by the purpose and intent of this § 310-22.F, the report of the Design Review Committee, and the design guideline standards and considerations for review of Solar Energy Systems set forth in §§ 310-22.F(4) and (5)(a).

Section 2: Section 310-26.D(1) of Chapter 310 of the Code of the Village of Bronxville is hereby revised to add a new subsection (c), to read as follows:

- (c) The installation of Solar Energy System(s) requiring Site Plan approval in accordance with § 310-22.F of this Code.

Section 3: Severability. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 4: This Local Law shall take effect immediately upon filing with the Secretary of State.