

Chapter 132

Solar Energy Systems

[HISTORY: Adopted by the Board of Trustees of the Village of Newark **on....**]

GENERAL REFERENCES

Site Plan – See Chapter 134

Zoning – See Chapter 170

§ 132-1 Purpose and Intent

The intent of this chapter is to promote and protect the public health, welfare and safety of the inhabitants of the Village of Newark by regulating solar energy systems to thereby create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of designated areas, preserve property values and provide a more enjoyable and pleasing community.

§ 132-2 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

Accessory Use

A use subordinate and related to the principal use of a lot, or of the principal building or structure on the same lot, and serving a purpose clearly incidental to the permitted principal use of the lot or of its principal building, including parking and swimming pools.

Solar Energy System – equipment that directly converts solar energy into thermal or electrical energy.

- **Solar Energy System, Ground-Mounted** - A system of solar panels that are mounted on the ground of the property rather than on the roof of a building.
- **Solar Energy System, Rooftop** - A system of solar panels wholly contained on the rooftop of a building and designed to provide energy principally to the parcel on which the system is installed.
- **Solar Energy System, Rooftop, Commercial** - A system of solar panels wholly contained on the rooftop of a business/industrial building and designed to provide energy principally to the parcel on which the system is installed.

§ 132-3 Requirements

- A. All Solar Energy Systems shall be an accessory use.

- B. There shall be no ground-mounted Solar Energy Systems in any district.
- C. Solar Energy Systems shall comply with all height requirements of the District that are located within.
- D. Panels facing the front yard must be mounted at the same angle as the roof's surface and shall not extend above the peak or below the eave, or extend over the rake edge.
- E. A permit shall be required prior to erecting a solar energy system. All permit fees shall be paid by the applicant pursuant to the Village of Newark Fee Schedule as set forth by the Newark Village Board.
- F. All Commercial Solar Energy Systems shall require a Special Permit.
 - a. The following information shall accompany the required Site Plan and Special Permit applications:
 - i. Drawing showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect.
 - ii. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
 - iii. Commercial tenants applying for a Special Permit must have property owner's written approval.
 - b. A Property Operation and Maintenance Plan is required, which shall describe continuing photovoltaic maintenance and property upkeep.
 - c. To ensure the property removal of Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a Special Permit. The Decommissioning Plan must specify that after the Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall take into account inflation. Removal of Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Solar Energy System is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.

- i. Solar Energy Systems are considered abandoned after one year without significant electrical energy generation and must be decommissioned.