

LOCAL LAW #1 OF 2023

**AMENDING THE ZONING CODE TO
CLARIFY PROVISIONS ON SOLAR ENERGY EQUIPMENT**

(May 11, 2023)

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

Section 1: Subsection B(10) of § 224-8 of the Zoning Code (Accessory Uses in One-Family Residence Districts) is hereby amended to read as follows (deleted language stricken; new language in *italics*):

- (10) Solar energy equipment, provided that it is used only to provide power for use: *(a) by owners, lessees, tenants, residents or other occupants of the premises on which it is erected; and (b) at the premises on which it is erected.* 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 New York State or federal statute.

Section 2: Subsection A (1) of § 224-66 of the Zoning Code (Site development plan approval required) is hereby amended to read as follows (new language in *italics*):

[Site development plan approval by the Planning Board shall be required for:]

- (1) The erection of any building, as defined in § 224-3, including on any lot that has received limited site development plan approval, except for:
- (a) A fence or retaining wall projecting above the ground not more than three feet at the higher ground level and not more than 6 ½ feet at the lower ground level, except that site development plan approval shall not be required for a deer exclusion fence meeting the requirements of § 224-11B(8) or § 224-19B(4).
 - (b) An air-conditioning unit or generator, provided such equipment fits within the setback, height, and coverage requirements of this chapter.
 - (c) Signs and awnings regulated by Article XXIX of this chapter.
 - (d) *Roof-mounted solar energy equipment.*

Section 3: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 4: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.