← draft committee solar opinion

Memorandum

From:　　Nasrin Parvizi, Chair of the Comprehensive Plan Committee, Town of Cortlandville, NY

To:　　Town Board, Cortlandville, NY

Date:　　June 12, 2019

RE:　　Proposed Overlay Zoning for Installation of Large Solar System in R-1 District

At the request of the Town Board, the Comprehensive Plan Committee discussed the use of overlay districts in general and the potential to use an overlay district as a way to allow Large Solar Energy Systems in areas not currently zoned for that use specifically at its 6/5/19 meeting.

Cortlandville currently uses the overlay zoning technique in its zoning ordinance to protect its aquifer (Article X. Aquifer Protection District).

The overlay zoning applies a common set of additional standards to a designated area that may include all or part of several zoning districts or one zoning district. Development within the overlay district must meet the requirements of both the underlying zoning and the additional standards. Other examples of overlay zones include historic district overlay zones, areas of very severe slopes, waterfront zones, natural resource protection or environmentally sensitive areas.

In the case of the specific request to create on an overlay district that would allow solar in the R-1 district, the committee noted the following concerns:

- Large Solar Energy Systems are not currently an allowable use in the R-1 zone; the addition of the overlay criteria in this instance would create a direct contradiction with the underlay zoning.
- The intent of overlay zoning is to introduce added protections, not reduce or eliminate protections or requirements of the underlay zoning.

While the Comprehensive Plan Committee believes Overlay Zoning as an effective zoning and land management tool, it believes using this technique to allow a land use that is not allowed in the underlaying district is ill-advised. As the committee is not made up of land use lawyers it recommends that the Town Board refer this to a land use/zoning attorney.