

ORDINANCE NO. 2018-28

AN ORDINANCE ON SOLAR ACCESS AND SOLAR ENERGY SYSTEMS

The Village Board of the Village of Bristol, Kenosha County, Wisconsin, do ordain as follows:

SECTION I. ADOPTION OF PROVISIONS.

Section 13-1-178 of the Village of Bristol Code of Ordinances is created to read as follows:

Sec. 13-1-178 Solar Access and Solar Energy Systems.

(a) **Purpose.**

- (1) ***Use of Solar Energy in the Village.*** The Village of Bristol desires to encourage the use of solar energy by its citizens, businesses and industries, and permit reasonable uses of solar energy. The Village recognizes that properly designed local zoning, land use and building code regulations can prepare the community for greater access to solar energy. An objective of this Section is to preserve neighborhood aesthetics while encouraging sustainable solar energy design.
- (2) ***Public Safety.*** The installation of solar energy systems according to established standards by properly trained and licensed personnel is essential to the safe and efficient operation of said systems. This Section is intended to promote best practices and set forth site-specific solar planning standards.
- (3) ***Compliance With State Law Standards.*** This Section is adopted in compliance with the requirements of Sec. 66.0401, Wis. Stats., relating to local regulation of solar energy systems and the State's expressed policy of encouraging the use of solar energy. As required by this Statute, this Section satisfies state law requirements by meeting the following objectives:
 - a. Serves to preserve or protect the public health or safety;
 - b. Does not significantly increase the cost of the solar energy system or significantly decrease the system's efficiency; and
 - c. Allows for an alternative system of comparable cost and efficiency.

- (b) **Definitions.** The following definitions shall be applicable in this Section, and shall also be amendments to the Zoning Code's general definitions in Section 13-1-560:

- (1) **Solar Array.** An accessory system or device that is roof-mounted, wall-mounted or ground-mounted with racks or poles, used to collect radiant energy directly from the sun for use in a solar collector's energy transformation process. Solar arrays are accessory and incidental to the parcel's principal use and are designed primarily for serving on-site needs or a use that is related to the principal use of the property.
 - (2) **Solar Collector.** A device, structure, or part of a device, the substantial purpose of which is to transform solar energy into thermal, mechanical, chemical, or electrical energy.
 - (3) **Solar Farm.** An array of multiple solar collectors on ground-mounted racks or poles that transmit solar energy and is the primary principal use for the parcel on which it is located. Solar farms typically also serve off-site uses.
- (c) **Permit Requirements.**
- (1) **Building Permit Requirements.** A building permit is required for the construction and/or erecting of a solar array, solar collector or solar farm pursuant to the requirements of Title 15, Chapter 1. A separate zoning permit is not required except where a conditional use permit is necessary under this Section. The types of permits and inspections which may be required are site-specific and equipment-specific. Prior to seeking local permits, the applicant is encouraged to use the services of a qualified consultant or solar contractor to determine if the property has a suitable solar energy site. The following are generally required:
 - a. Building permits are required. When deemed necessary by the Building Inspector, wind-load and structural-load calculations are also required when structural and wind loads are concerns due to weight, size, or extensive racking and/or footings of the proposed equipment and devices. Building-integrated solar energy systems such as solar shingles, windows, skylights, awnings, etc., are subject to building permit requirements.
 - b. Electrical permits are required for all solar electric equipment and solar water heaters.
 - c. Plumbing permits are required for all solar water heaters and may be required for solar air collector systems.
 - d. Ground-mounted solar arrays or solar farms may be determined by the Building Inspector or Zoning Administrator as creating impervious surface areas exceeding lot standards for improved surfaces. In such instances, any applicable permits shall be conditional upon the owner constructing appropriate mitigation measures for stormwater runoff.
 - e. Solar installations and protection of solar rights shall also be in compliance with Sec. 66.0401, Wis. Stats.

- (2) **Inspections and Enforcement.** The requirements and conditions herein are enforced by the Village. Inspections of the site and equipment may be conducted by the Building Inspector, Zoning Administrator, or designee as appropriate. Violations and penalties are subject to the applicable code.
- (3) **Utility Interconnections.** If the solar collectors being used are designed to generate electricity and will be linked to the electrical grid serving the property, an interconnect agreement, or proper permit application, with the electrical service provider utility is required and shall be provided to the Village at the time of application for any local permit.
- (d) **Solar Arrays – Accessory Use.** Except as provided herein, solar arrays are permitted accessory uses in all zoning districts provided the requirements of this Section are complied with:
 - (1) **Setback and Height Requirements; Conditional Use Situations.**
 - a. Ground-mounted solar arrays shall comply with the height and building setback requirements for accessory structures in the zoning district in which the system is proposed. Roof-mounted or wall-mounted solar arrays shall comply with the height and building setback requirements for principal structures in the zoning district in which the system is proposed.
 - b. In all districts accessory solar arrays exceeding height standards may be allowed by conditional use permit under the procedures of Article E of this Chapter.
 - (2) **Size.** Accessory solar arrays have no square footage size limits except that in residential districts for buildings with four (4) dwelling units or less, the maximum size for solar arrays shall be one thousand (1,000) square feet. Larger arrays in residential districts may be allowed by conditional use permit under the procedures of Article E of this Chapter.
- (e) **Solar Farms – Conditional Use.** Solar farms are a principal use on the property on which located and require a conditional use permit in all districts pursuant to the procedures of Article E of this Chapter. Solar farms shall comply with all setback and height requirements for principal structures in the district unless height requirements are modified by conditional use permit.
- (f) **Signage.** One (1) sign not exceeding twenty-four (24) sq. ft. is allowed per solar array or solar farm for educational or acknowledgement purposes.
- (g) **Homeowners Association Rules and Restrictive Covenants.** A homeowners association's rules or a restrictive covenant shall comply with the standards of Sec. 66.0401, Wis. Stats., and not be more restrictive than the requirements of this Section. Sec. 236.292, Wis. Stats., voids private land use restrictions on platted lands which prevent or unduly restrict the construction or operation of solar energy systems.

State Law Reference: Secs. 66.0401 and 236.292, Wis. Stats.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 22nd day of October, 2018.

VILLAGE OF BRISTOL, WISCONSIN



Village President



Village Clerk-Treasurer

INTRODUCED: 10/22/18

PASSED: 10/22/18

PUBLISHED: _____
(POSTED)

State of Wisconsin :
County of Kenosha:

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of an Ordinance duly and regularly adopted by the Village Board of the Village of Bristol on the 23rd day of October, 2018, and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this 23rd day of October, 2018

Amy Klemko
Amy Klemko, Clerk-Treasurer