**CITY OF STANLEY**
**ORDINANCE 2024-002**

**AN ORDINANCE REGARDING REGULATION OF SOLAR ACCESS AND SOLAR ENERGY SYSTEMS**

**NOW THEREFORE,** be it ordained by the Common Council of the City of Stanley, in the State of Wisconsin, as follows:

**SECTION 1:** **ADOPTION** "13-1-207 Solar Access And Solar Energy Systems" of the City of Stanley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

13-1-207 Solar Access And Solar Energy Systems (Non-existent)

AFTER ADOPTION

13-1-207 Solar Access And Solar Energy Systems*(Added)*

(a) **Purpose**

(1) **Use of Solar Energy in the City.** The City of Stanley desires to encourage the use of solar energy buy its citizens, businesses and industries, and permit reasonable uses of solar energy. The City 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 stestems 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 considered amendments to the Zoning Code's general definitions in Section 13-1-300:

(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 Energy Collection System.** A device, structure, or part of a device or structure, the substantial purpose of which is to transform solar energy (direct radiant energy from the sun) into thermal, mechanical, chemical, or electrical energy.

(3) **Solar Energy Collection System, Canopy Mounted.** A solar energy collection system consisting of elevated solar panels installed above parking lots, carports, or other paved areas.

(4) **Solar Energy Collection System, Ground Mounted.** A solar energy collection system associated with mounting hardware which is affixed or placed upon the ground including, but not limited to, fixed, passive, or active tracking racking systems.

(5) **Solar Energy Collection Energy System, Roof Mounted.** A solar energy collection system structurally mounted to the roof of a building or other permitted structure, including limited equipment associated with a system which may be ground mounted. Such systems are typically installed parallel to the roof with a few inches gap.

(6) **Solar Farm.** An array of multiple solar collectors on ground-mounted racks or poles that collect solar energy on a nonresidential property and may be either the primary principal use for the parcel on which the collector system is located or an accessory use on a parcel following issuance of a conditional use permit. Solar farms also typically serve off-site uses and may include on-site battery storage facilities.

(c) **Building Permit Required.**

(1) **Building Permit Requirements.** A building permit is required prior to the construction and/or erecting of a solar array, solar energy collector of any type, or a solar farm pursuant to the requirements of Title 15, Chapter 1 of this Code of Ordinances. A separate zoning permit is not required except where a conditional use permit is necessary under this Zoning Code and specifically 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. A building permit is required. When deemed necessary by the Building Inspector, wind-load and structural-load calculations are also required as part of the building permit application when structural and wind loads are concerns due to weight, size, or extensive racking and/or footings of the proposed equipment and associated 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. The area of each panel shall be considered impervious for purposes of calculating lot coverage and any applicable landscape surface ration. 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 City. 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 City at the time of application for any local permit.

(d) **Ground-Mounted Solar Energy Collections Systems - Permitted Accessory Use.** Except as provided herein, ground mounted solar energy collection systems which are not solar farms are permitted accessory uses in all zoning districts provided the requirements of this section are complied with:

(1) Residential districts - property must be more than one acre in size.

(2) All parts of a free-standing ground-mounted solar energy collection system shall have a setback of no less than twenty-five (25) feet from all property lines and shall not be located in any type of easement.

(3) Ground-mounted solar energy collection systems may only be located in rear yard areas of residential properties but may be located in any yard of non-residential districts.

(4) The maximum height of any ground-mounted solar energy collection system shall be fifteen (15) feet high measured from the base of the pole to the highest edge of the system. The minimum clearance between the lowest point of the system and the surface on which the system is mounted is twelve (12) inches.

(5) In all non-residential districts, ground-mounted accessory solar arrays exceeding height standards may be allowed by conditional use permit under the procedures of Article E of this Chapter.

(e) **Roof- or Wall-Mounted Solar Energy Collection Systems - Permitted Accessory Use.** Except as provided herein, roof- or wall-mounted solar energy collection systems are permitted accessory uses in all zoning districts provided the requirements of this

Section are complied with:

(1) At the time of building permit application, the Building Inspector, at his/her discretion, may require that the applicant provide a report from a Wisconsin-licensed structural engineer stating that the roof is structurally sufficient to accommodate the solar units.

(2) Roof-mounted solar energy collection systems may be located on any roof face of a principal or accessory building. Solar collection units shall be flush-mounted when possible.

(3) Roof-mounted solar energy collection systems shall not extend more than three (3) feet beyond the peak of a sloped roof, or shall not extend more than six (6) feet above the highest point of the roof line in the case of a flat roof or roofs with less than a ten percent (10%) pitch.

(4) Wall-mounted solar energy collection systems shall project no more than three (3) feet from the surface of the building and shall be in compliance with the setback requirements for the principal structure.

(f) **Canopy-Mounted Solar Energy Collection Systems - Permitted Accessory Use.** Except as provided herein, canopy-mounted solar energy collection systems are permitted accessory uses in all non-residential zoning districts provided the requirements of this Section are complied with:

(1) The height of the canopy-mounted solar energy collection system shall not exceed the height of the primary building that the parking lot or similar structure serves. This height limitation may be altered by conditional use permit.

(2) A canopy-mounted solar energy collection system shall not be erected over a drive aisle, driveway, or other area where it may obstruct emergency vehicles.

(g) **Solar Farms - Conditional Use.** Solar farms are either the principal use on the property on which located or an accessory use on the property. Solar farms require a conditional use permit pursuant to the procedures of Article E of this Chapter and may only located on a property zoned for industrial or agricultural use. Solar farms shall meet the following requirements:

(1) Solar farms shall comply with all setback and height requirements for principal structures in the district in which located unless height requirements are modified by conditional use permit but in no case shall exceed thirty (30) feet in height. Such standards shall be applicable to all equipment which is part of the solar farm system.

(2) A Wisconsin-licensed engineer shall certify that the foundation and design of the solar panels and mounting system are within accepted professional standards.

(3) Systems, equipment, and structures located on the solar farm property shall be fully secured and enclosed by a fence or wall of not less than eight (8) feet to prevent access by unauthorized persons or animals. The design of such fencing shall be approved by the Building Inspector or Zoning Administrator. Knox boxes (rapid entry systems) and keys shall be provided at locked entrances for emergency personnel access.

(4) An appropriate warning sign shall be provided at each entrance to the solar

farm along the perimeter. The sign shall include the facility's emergency contact telephone number, including a 24-hour contact number.

(5) One (1) informational sign not exceeding twenty-four (24) sq. ft. is allowed per solar farm for educational or acknowledgement purposes.

(h) **Homeowners Association Rules and Restrictive Covenants.** A homeowners association's rules or restrictive covenants 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 2:** **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 3:** **EFFECTIVE DATE** This Ordinance shall be in full force and effect from 02/19/2024 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF STANLEY COMMON COUNCIL
FEBRUARY 19, 2024.

Attest

Presiding Officer

Al Haas, Mayor, City of Stanley

Nicole Pilgrim, Administrator-
Clerk/Treasurer, City of Stanley

CITY OF STANLEY
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SEAL
WISCONSIN