

ORDINANCE NO. 557

**AN ORDINANCE TO AMEND SECTIONS 7.0504, 7.0905,
AND 7.1302 OF CHAPTER 7, THE VILLAGE OF RIVER HILLS
ZONING CODE, RELATED TO SOLAR ENERGY SYSTEMS**

WHEREAS, the Village of River Hills Village Board has initiated this amendment to the River Hills Zoning Code pursuant to the provisions of the Village ordinances and Sections 61.35 and 62.23(7) of the Wisconsin Statutes, and has referred the proposed amendment to the Plan Commission for its report and recommendation; and

WHEREAS, the Plan Commission considered the proposed amendment at a meeting held on April 27, 2021, and recommended that the proposed amendment be referred to the Committee on the Environment for its review and report to the Plan Commission; and

WHEREAS, after the Committee on the Environment reviewed and submitted its proposed amendment, the Plan Commission considered the proposed amendment at a meeting held on February 9, 2022 and made its report to the Village Board and recommended adoption of this proposed amendment; and

WHEREAS, after due and proper notice a public hearing upon the proposed amendment was held before the Village Board on March 9, 2022, at which time all interested parties were given the opportunity to be heard; and

WHEREAS, pursuant to Section 66.0401 (1m) of the Wisconsin Statutes, a municipality when considering applications to install solar energy systems must consider the facts on a case-by-case basis as well as the requirement that any restrictions or conditions imposed by the municipality upon a person desiring to install a solar energy system may not significantly increase the cost or significantly decrease the efficiency of the solar energy system; and

WHEREAS, the Village Board, after review and consideration of all of the information presented on this matter, the recommendation of the Plan Commission, the impact of the proposed amendment on residents who may seek permits to install solar energy systems and residents of surrounding properties that may be impacted by the installation of solar energy systems, and having determined the adoption of the proposed amendment to the zoning ordinance is necessary to preserve and protect the health, safety and welfare of the residents of the Village of River Hills.

NOW THEREFORE, the Village Board of the Village of River Hills, Milwaukee County, do ordain as follows:

Section I. Section 7.0504, ACCESSORY USE REGULATIONS of Chapter 7 of the General Ordinances of the Village of River Hills is hereby amended to add Subsection G to read as follows:

“G. Solar Energy System. A solar energy system is a permitted accessory use in any district when the solar energy system is not greater in size or capacity than is reasonably necessary to provide the energy needs of the property that it is to be located upon. To protect the health, welfare and safety of

all residents, as well as the aesthetic values embodied in the Zoning Ordinance of the Village of River Hills, the following regulations shall apply to all solar energy systems.

1. Permit Required. The installation of all solar energy systems shall require a building permit and must conform to the Village Building Code and Electrical Code regulations and requirements. The property owner shall submit, to the Building Inspector, plans which indicate the appearance, proposed location, and installation method of the solar energy system. The plans for a ground mounted solar energy system shall include to-scale horizontal and vertical (elevation) drawings and shall include the distance from property lines. Solar energy systems shall comply with all yard setback requirements. The Building Inspector may require a survey if necessary to determine compliance with the setback regulations.
2. Location and Screening. In recognition of the negative aesthetic impact solar energy systems may have on the architecture of a building, the overall character of a neighborhood and effect on the outlook from adjacent or neighboring properties, solar energy systems shall be located, designed and screened in a manner that reduces or eliminates their visual impact on adjacent or neighboring properties. Landscaping, fences, and architectural elements of buildings may be used for this purpose. All landscaping or other screening shall be installed at the time the solar energy system is installed and must be maintained in substantially the same manner and condition as initially installed until such time as the solar energy system is removed from the property.
3. Color/Non-reflective. The solar mounting devices or foundational parts of a solar energy system shall be of a dark color or a color that is compatible with the architecture of the existing residential or accessory structures, existing landscaping or the screening or landscaping being installed to screen the solar energy system. All solar energy systems shall be designed to be non-reflective so that no glare or redirection of sun light leaves the solar energy system unless the glare or reflection is completely screened from any adjacent or neighboring properties.
4. Building Board Approval. The solar energy system, its location and screening must be approved by the Building Board.
5. Height. Solar energy systems must meet the following height requirements:
 - a. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district.
 - b. Ground-mounted solar energy systems shall not exceed 10 feet when oriented at maximum tilt. The grades where the ground-mounted system will be located shall not be changed to elevate the system higher than the existing grades on the property.
6. Construction – Installation.
 - a. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way or from adjacent properties shall have the same finished pitch as the roof and be no more than ten inches above the roof.
 - b. Roof-mount systems on flat roofs shall not be more than five feet above the finished roof.
 - c. The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system

- is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated.
- d. All solar energy systems and solar mounting devices shall be erected in accordance with manufacturer's specifications.
 - e. Any ground mounted battery storage, converter or inverter shall be located inside a building unless located with proper screening as approved by the Building Board.
 - f. All electrical wires associated with the solar energy system, other than wires necessary to connect the system, grounding wires etc. shall be located underground.
 - g. No portable or temporary solar energy systems are permitted with the exception of temporary installation for on-site testing and demonstration purposes for a period not to exceed 2 days.
7. Utility Notification. All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. No Building or Electric Permits will be issued for a solar energy system until evidence has been given to the Building Inspector that the owner has received approval or consent from the electric utility company to install a grid-intertie solar energy system. Off-grid systems are exempt from this requirement.
8. Abandonment and Removal. When a solar energy system is no longer in operation or producing energy, the owner shall notify the Building Inspector in writing. Any solar energy system that has not operated for a continuous period of 12 months shall be considered abandoned. A solar energy system is to be removed once they are no longer in use and not a functional part of providing the intended energy and the site or building restored as necessary.”

Section II. Section 7.0905 FINDINGS of Chapter 7 of the General Ordinances of the Village of River Hills is hereby AMENDED to add Subsection D to read as follows:

- “D. No Permit for a solar energy system shall be issued by the Building Inspector unless after considering the site of the solar energy system as proposed to be located, and examining the application papers and all information submitted in support thereof, that it has been found as fact by the Building Board that the effect of the solar energy system on the outlook from the adjacent or neighboring properties does not require additional landscaping or a different location on the applicant’s property so that the approval is consistent with all the provisions in subsections A, B and C above. Notwithstanding the foregoing if an applicant for a solar energy system shows that moving the location, or the requirement of additional landscaping or other conditions that may be required by the Building Board would significantly increase the cost of the system or significantly decrease its efficiency, the Building Board shall take into consideration the requirements of Section 66.0401, Wisconsin statutes such that then the Building Board shall either approve the application as presented or conditionally approve the application subject to specified modifications that meet the intent of the Code as closely and as reasonably possible, while allowing construction of a solar energy system that would not significantly increase the cost or significantly decrease the efficiency of the solar energy system. In every case, the Building Board shall not approve an application or a modification that jeopardizes the public health or safety.”

Section III. **Section 7.1302 SPECIFIC WORDS AND PHRASES** of Chapter 7 of the General Ordinances of the Village of River Hills is hereby amended to add the following defined terms and definitions to be placed within the section in alphabetical order, as follows:

“Grid-intertie Solar Energy System. A solar energy system that is connected to an electric circuit served by an electric utility company.

Ground-mount. A solar energy system mounted on a rack or pole that rests or is attached to the ground.

Off-grid Solar Energy System. A solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Roof-mount. A solar energy system mounted on a rack that is fastened to or ballasted on a structured roof.

Solar Energy System. A system including all of the related components for mounting and using mechanical, electrical, chemical or other methods that is intended to convert solar energy into thermal, mechanical or electrical energy.”

Solar Mounting Devices. Racking, frames, pokes or other devices that allow the mounting of a solar energy system onto a building, roof surface, or the ground.”

Section IV. The sections and subsections of this ordinance are declared to be severable. If any subsection, section or portions of the sections of this ordinance as enacted hereunder is for any reason held invalid, unenforceable or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof which shall remain in full force and effect.

Section V. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are to such extent repealed.

Section VI. This ordinance shall be in full force and effect after its passage and posting or publication as provided by law.

PASSED AND ADOPTED by the Village Board of the Village of River Hills this 9th day of March, 2022.

J. Stephen Anderson
Village President

Countersigned:

Tammy LaBorde
Village Clerk