

ORDINANCE NO: 2096

AN ORDINANCE TO AMEND REGULATION OF SOLAR ENERGY SYSTEMS

WHEREAS, the Wisconsin legislature has set standards for the regulation of both solar and wind energy systems as set forth in Wis. Stat. § 66.0401, and for regulation of wind energy systems specifically in Wisconsin Administrative Code Chapter PSC 128;

WHEREAS, the Village of Shorewood, by Ord. No. 2052 adopted on February 17, 2015 required both solar and wind energy systems to be reviewed as conditional uses by the Plan Commission;

WHEREAS, a municipality's consideration of an application for a conditional use permit for solar or wind energy systems must be in conformity with the restrictions set forth in Wis. Stats. § 66.0401(1m) and Wisconsin Administrative Code Chapter PSC 128;

WHEREAS, after several years of applications, reviews and approvals, the Plan Commission is recommending that the review and approval of solar panels be allowed as a permitted use in all zoning districts, subject to the review and approval of the Planning and Development Director in conformity with the Wisconsin Administrative Code Chapter PSC 128.

NOW, THEREFORE, at a regular meeting of the Village Board of the Village of Shorewood, Milwaukee County Wisconsin held on the 19th of November, 2018, a quorum being present and a majority of the Board voting therefore said Board does ordain as follows:

SECTION 1

That Section 535-6 of Article II, "Definitions," of Chapter 535, "Zoning," of the General Ordinances of the Village of Shorewood be amended to include as follows:

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SOLAR ENERGY SYSTEM

Equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy.

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WIND ENERGY SYSTEM

Equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy.

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SECTION 2

That Subsection 535-30(D) of Article V, "Conditional Uses," of Chapter 535, "Zoning," of the General Ordinances of the Village of Shorewood be replaced to read as follows:

D. Conditional use permits for solar and wind energy systems.

(1) Wind energy systems.

(a) Installation and use. A "wind energy system" shall be a conditional use in all districts. The Village Plan Commission may authorize the Planning and Development Department to issue a conditional use permit for a wind energy systems after review and a public hearing.

(b) Authority to restrict systems limited.

[1] The Village Plan Commission shall review any proposed wind energy system and may approve the system if the applicant meets the owner requirements for a wind energy system as set forth in §§ PSC 128.10 through 128.19, Wis. Adm. Code, (current through Administrative Register, December 2014, No. 708) and as hereinafter amended, which are hereby incorporated by reference and made a part hereof as if fully set forth herein.

[2] The Village Plan Commission shall review any proposed wind energy system and may only restrict the system if the restriction satisfies one of the following conditions:

[a] Serves to preserve or protect the public health or safety.

[b] Does not significantly increase the cost of the system or significantly decrease its efficiency.

[c] Allows for an alternative system of comparable cost and efficiency.

(2) Solar energy systems.

(a) Installation and use. A "solar energy system" shall be a conditional use in all districts. The Planning & Development Department shall issue a conditional use permit for a solar energy systems after review and a notice of application to adjacent property owners.

(b) Authority to restrict systems limited.

[1] The Planning & Development Department shall review any proposed solar energy system and may only restrict the system if the restriction satisfies one of the following conditions:

[a] Serves to preserve or protect the public health or safety.

- [b] Does not significantly increase the cost of the system or significantly decrease its efficiency.
- [c] Allows for an alternative system of comparable cost and efficiency.

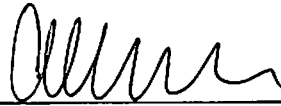
SECTION 3

That all Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby to such extent repealed.

SECTION 4

That this Ordinance shall take effect and be in force from and after its passage and posting.

PASSED AND ADOPTED by the Village Board of the Village of Shorewood, Milwaukee County, Wisconsin, this 19th day of November, 2018.



Allison Rozek, Village President

Countersigned:



Sara Bruckman, CMC/WCMC, Village Clerk