

# Wisconsin Solar Model Ordinance

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*Photo by Katharine Chute*

*Prepared by Great Plains Institute with support from Sunshot and the Energy Foundation*



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# Model Solar Ordinance – Wisconsin

## Introduction

Wisconsin's solar energy resources are high quality and cost effective—as good as many states to the south and consistently available across the entire state. As solar energy system components have become more efficient and less costly, an increasing number of solar energy systems have been installed in Wisconsin. Market opportunities for solar development have dramatically increased in Wisconsin over the last five years, such that communities must now address solar installations as land use and development issues. Solar energy components continue to improve in efficiency and decline in price; large-scale solar energy is expected to become the least expensive form of electric energy generation within a few years, surpassing wind energy and natural gas in levelized cost of energy.

### **Model Solar Energy Standards**

*This ordinance is based on the model solar energy ordinance originally created for Solar Minnesota, under a Million Solar Roofs grant from the U. S. Department of Energy and updated for the three-state Grow Solar initiative, funded by Rooftop Solar Challenge Phase 2. It has been substantially updated several times to address additional issues and opportunities for Wisconsin communities and the evolving solar industry, last updated May 2020*

But solar energy is much more than just low-cost energy generation.

Households and businesses seeking to reduce their carbon footprint see solar energy as a strong complement to energy efficiency. Agricultural producers see solar energy as an economic hedge against price volatility in commodity crops. Utilities see solar's declining cost, high reliability, and free fuel as a means to put downward pressure on electric rates. Corporate, institutional, and municipal buyers are actively acquiring carbon-free solar generation to meet climate and clean energy goals. And innovative solar site designs are capturing habitat and water quality co-benefits by using solar with habitat-friendly ground cover to restore eco-system functions.

## Solar Energy Issues

Local governments in Wisconsin are seeing increasing interest by property owners in solar energy installations and are having to address a variety of solar land uses in their development regulation. Given the continuing cost reductions and growing value of clean energy, solar development will increasingly be a local development opportunity, from the rooftop to the large-scale solar farm. Three primary issues tie solar energy to development regulations:

1. **Land use conflicts and synergies.** Solar energy systems have few nuisances. But solar development can compete for land with other development options, and visual impacts and perceived safety concerns sometimes create opposition to solar installations. Good design and attention to aesthetics can address most concerns for rooftop or accessory use systems. Good siting and site design standards for large- and community-scale solar can similarly resolve conflicts and create co-benefits from solar development, such as restoring habitat, diversifying agricultural businesses, and improving surface and ground waters.
2. **Protecting access to solar resources.** Solar resources are a valuable component of property ownership. Development regulations can inadvertently limit a property owner's ability to access their solar resource. Communities should consider how to protect and develop solar resources in zoning and subdivision processes, consistent with state law (Wisconsin Statute §66.0401).
3. **Encouraging appropriate solar development.** Local government can go beyond simply removing regulatory barriers and encourage solar development that provides economic development, climate protection, and natural resources co-benefits. Local governments have a variety of tools to encourage appropriately sited and designed solar development to meet local goals.

## Components of a Solar Standards Ordinance

Solar energy standards should:

1. *Create an as-of-right solar installation path for property-owners.* Create a clear regulatory path (an as-of-right installation) to solar development for accessory uses and — if appropriate — for principal uses such as large-scale solar and ground-mount community shared solar installations.
2. *Enable principal solar uses.* Define where community- and large-solar energy land uses are appropriate as a principal or primary use, set development standards and procedures to guide development, and capture co-benefit opportunities for water quality, habitat, agriculture.
3. *Limit regulatory barriers to developing solar resources.* Ensure that access to solar resources is not unduly limited by height, setback, or coverage standards, unless the restriction satisfies the conditions of Wisconsin Statute §66.0401 (1m) a-c.
4. *Define appropriate aesthetic standards.* Retain an as-of-right installation pathway for accessory uses while balancing design concerns in urban neighborhoods and historic districts. Per state law, design or aesthetic standards may not restrict the installation or use of solar energy systems, unless the restriction satisfies the conditions of Wisconsin Statute §66.0401 (1m) a-c.
5. *Address cross-property solar access issues.* Ensure solar installations have protected access across property lines in the subdivision process and in all zoning districts, per state law (Wisconsin Statute §700.41).
6. *Promote “solar-ready” design.* Every building that has a solar resource should be built to seamlessly use it. Encourage builders to use solar-ready subdivision and building design.
7. *Include solar in regulatory incentives.* Encourage desired solar development by including it in regulatory incentives; density bonuses, parking standards, flexible zoning standards, financing/ grant programs, promotional efforts.

## Different Community Types and Settings

The model ordinance language addresses land use concerns for both urban and rural areas, and thus not all the provisions may be appropriate for every community. Issues of solar access and nuisances associated with small or accessory use solar energy systems are of less consequence in rural areas, where lot sizes are almost always greater than one acre. Large-scale and community- scale solar (principal solar land uses) are much more likely to be proposed in rural areas rather than developed cities. However, urban areas should consider where community- or large-scale solar can add value to the community and enable economic development of a valuable local resource. Rural communities should address rooftop and accessory ground-mount development, although The standards used in this model are designed more for the urban circumstances.

This ordinance includes language addressing solar energy as an accessory use to the primary residential or commercial use in an urban area and language for principal solar uses more typically seen in rural communities. Communities should address both types of solar development.

### **Solar development is not one thing**

*Communities would not apply the same development and land use standards to an industrial facility and a single family home, merely because both are buildings. Community and large-scale solar development is a completely different land use than rooftop or backyard solar. Standards that are appropriate for large-scale solar may well be wholly inappropriate for rooftop solar and may unnecessarily restrict or stymie solar development opportunities of homes and business owners.*

## Model Ordinance

I. **Scope** — This article applies to all solar energy installations in Model Community.

II. **Purpose** — Model Community has adopted this regulation for the following purposes:

A. **Comprehensive Plan Goals** — To meet the goals of the Comprehensive Plan and preserve the health, safety and welfare of the community by promoting the safe, effective and efficient use of solar energy systems. The solar energy standards specifically implement the following goals from the Comprehensive Plan:

1. **Goal** — Encourage the use of local renewable energy resources, including appropriate applications for wind, solar, and biomass energy.
2. **Goal** — Promote sustainable building design and management practices to serve current and future generations.
3. **Goal** — Assist local businesses to lower financial and regulatory risks and improve their economic, community, and environmental sustainability.
4. **Goal** — Efficiently invest in and manage public infrastructure systems to support development and growth.

B. **Climate Change Goals** — Model Community has committed to reducing carbon and other greenhouse gas emissions. Solar energy is an abundant, renewable, and nonpolluting energy resource and its conversion to electricity or heat reduces dependence on nonrenewable energy resources and decreases the air and water pollution that results from the use of conventional energy sources.

C. **Wisconsin Smart Planning** — Wisconsin Smart Planning principles must be considered when local governments make planning, zoning, development, and resource management decisions. Model Community has adopted Principle 3 – Clean, Renewable, and Efficient Energy – to encourage the promotion of clean energy use through increased access to renewable energy resources.

D. **Infrastructure** — Distributed solar photovoltaic systems will enhance the reliability and power quality of the power grid and make more efficient use of Model Community’s electric distribution infrastructure.

E. **Local Resource** — Solar energy is an underused local energy resource and encouraging the use of solar energy will diversify the community’s energy supply portfolio and reduce exposure to fiscal risks associated with fossil fuels.

F. **Improve Competitive Markets** — Solar energy systems offer additional energy choice to consumers and will improve competition in the electricity and natural gas supply market.

### Comprehensive Plan Goals

*Tying the solar energy ordinance to Comprehensive Plan goals is particularly important for helping users (both Planning Commission and community members) understand why the community is developing and administering regulation.*

*The language here provides examples of different types of Comprehensive Plan goals, and other policy goals that the community may have that are served by enabling and encouraging solar development. The community should substitute its policy goals for these examples.*

*The Comprehensive Plan may not include goals that are enhanced by solar development, (such as climate protection or local resource economic goals). The community should consider creating a local energy plan or similar policy document to provide a policy foundation for solar development regulation.*

### III. Definitions

**Agrivoltaics** – A solar energy system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services.

**Building-integrated Solar Energy Systems** – A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

**Community-Scale Solar Energy System** – A commercial solar energy system that converts sunlight into electricity for the primary purpose of serving electric demands off-site from the facility, either retail or wholesale. Community-scale systems are principal uses and projects typically cover less than 20 acres.

**Community Solar Garden** – A solar energy system that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system. Also referred to as shared solar.

**Grid-intertie Solar Energy System** – A photovoltaic 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. Ground-mount systems can be either accessory or principal uses.

**Large-Scale Solar Energy System** – A commercial solar energy system that converts sunlight into electricity for the primary purpose of wholesale sales of generated electricity. A large-scale solar energy system will have a project size greater than 20 acres and is the principal land use for the parcel(s) on which it is located.

**Off-grid Solar Energy System** – A photovoltaic 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.

**Passive Solar Energy System** – A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

**Photovoltaic System** – A solar energy system that converts solar energy directly into electricity.

**Renewable Energy Easement, Solar Energy Easement** – An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land, consistent with Wis Statutes 700.35.

#### **Solar Definitions**

*Not all these terms are used in this model ordinance, nor is this a complete list of solar definitions. As a community develops its own development standards for solar technology, many of the concepts defined here may be helpful in meeting local goals. For instance, solar daylighting devices may change the exterior appearance of the building, and the community may choose to distinguish between these devices and other architectural changes.*

#### **Differentiating Solar Uses by Size**

*Community-scale and Large-scale systems are defined here as occupying less than 20 acres and greater than 20 acres respectively. Some communities will use a lower number (ten acres) and some a higher number (up to 50 acres). An ex-urban city would use a lower number and a rural county could use a higher number. Community-scale is generally a size that can fit into the land use fabric of the community without assembly of separate parcels. Some communities have chosen not to distinguish between community- and large-scale, but use a single large-scale designation.*

**Roof-mount** – A solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mount systems are accessory to the principal use.

**Roof Pitch** — The final exterior slope of a roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

**Solar Access** — Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

**Solar Carport** – A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.

**Solar Collector** — A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.

**Solar Daylighting** – Capturing and directing the visible light spectrum for use in illuminating interior building spaces in lieu of artificial lighting, usually by adding a device or design element to the building envelope.

**Solar Energy** — Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**Solar Energy System** — A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

**Solar Hot Air System** — (also referred to as Solar Air Heat or Solar Furnace) – A solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance includes a solar collector to preheat air or supplement building space heating, typically using a vertically mounted collector on a south-facing wall.

**Solar Hot Water System** — A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

**Solar Mounting Devices** — Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

**Solar Resource** — A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year, and can be measured in annual watts per square meter.

#### **Solar Resource**

*Understanding what defines a “solar resource” is foundational to how land use regulation affects solar development. Solar energy resources are not simply where sunlight falls. A solar resource has minimum spatial and temporal characteristics, and needs to be considered not only today but also into the future. Solar energy systems are economic only if the annual solar resource (measured in annual watts per square meter) are sufficiently high to justify the cost of installation. The resource is affected by the amount of annual shading, orientation of the panel, and typical atmospheric conditions. Solar resources on a particular site can be mapped and quantified, similar to quantifying other site resources that enhance property value; mineral resources, prime soils for agriculture, water, timber, habitat.*

**IV. Permitted Accessory Use** — Solar energy systems are a permitted accessory use in all zoning districts where structures of any sort are allowed, subject to certain requirements as set forth below. Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building. Solar energy systems that do not meet the following design standards will require a conditional use permit.

**A. Height** – Solar energy systems must meet the following height requirements:

1. Building- or roof- mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
2. Ground- or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
3. Solar carports in non-residential districts shall not exceed 20 feet in height.

**B. Set-back** — Solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located, except as allowed below.

1. **Roof- or Building-mounted Solar Energy Systems** — 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. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side-yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.
2. **Ground-mounted Solar Energy Systems** — Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.

**C. Visibility** – Solar energy systems in residential districts shall be designed to minimize visual impacts from the public right-of-way, as described in C.1-3, to the extent that doing so does not affect the cost or efficacy of the system, consistent with WI Statute §66.0401.

#### **Limitations on Zoning Restrictions**

*Under Wisconsin Statute §66.0401, local governments may not place any restriction on the installation or use of solar energy systems unless the restriction:*

- *Serves to preserve or protect public health or safety*
- *Does not significantly increase the system cost or decrease the efficiency*
- *Allows for an alternative system of comparable cost and efficiency*

#### **Height - Rooftop System**

*This ordinance notes exceptions to the height standard when other exceptions for rooftop equipment are granted in the ordinance. Communities should directly reference the exception language rather than use the placeholder language here.*

#### **Height - Ground or Pole Mounted System**

*This ordinance sets a 15-foot height limit, which is typical for residential accessory uses. Some communities allow solar to be higher than other accessory uses in order to enable capture of the lot's solar resource when lots and buildings are closer together. An alternative is to balance height with setback, allowing taller systems if set back farther— for instance, an extra foot of height for every extra two feet of setback. In rural (or large lot) areas, solar resources are unlikely to be constrained by trees or buildings on adjacent lots and the lot is likely to have adequate solar resource for a lower (10-15 foot) ground-mount application.*

#### **Visibility and Aesthetics**

*Aesthetic regulation should be tied to design principles rather than targeted at a specific land use. If the community already regulates aesthetics in residential districts, this model language provides guidance for balancing between interests of property owners who want to use their on-site solar resources and neighbors concerned with neighborhood character. Substantial evidence demonstrates that solar installations have no effect on property values of adjacent properties. But where aesthetic regulation is used to protect community character, these standards provide balance between competing goals.*

1. **Building Integrated Photovoltaic Systems** — Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

2. **Aesthetic restrictions** — Roof-mount or ground-mount solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley, or if the system meets the following standards.

a. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way 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 that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.

3. **Reflectors** — All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.

**D. Lot Coverage** — Ground-mount systems total collector area shall not exceed half the building footprint of the principal structure.

1. Ground-mount systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.
2. Ground-mounted systems shall not count toward accessory structure limitations.
3. Solar carports in non-residential districts are exempt from lot coverage limitations.

E. **Historic Buildings** — Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the community Heritage Preservation Commission, consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.

F. **Plan Approval Required** — All solar energy systems requiring a building permit or other permit from Model Community shall

### **Building Integrated PV**

*Building integrated solar energy systems can include solar energy systems built into roofing (existing technology includes both solar shingles and solar roofing tiles), into awnings, skylights, and walls.*

### **Roof-Mounted Solar Energy Systems**

*This ordinance sets a threshold for pitched roof installations that they not be steeper than the finished roof pitch. Mounted systems steeper than the finished roof pitch change the appearance of the roof, and create additional considerations in regard to the wind and drift load on structural roof components. If the aesthetic impacts are not a concern to the community, the structural issues can be addressed in the building permit, as described in this Toolkit.*

### **Reflectors**

*Unlike a solar collector, reflector systems do create a potential glare nuisance. While reflector systems are unusual, communities may want to include this reference as a precaution.*

### **Impervious Surface Coverage**

*Rather than consider the solar panel for a ground-mount system as a roof, this provision recognizes that the ground under the panel can mitigate stormwater risks if it is kept in vegetation so that rain water can infiltrate. Any effects are de minimus for a small array if the lot is otherwise within coverage ratios.*

### **Roof Coverage**

*National Fire Code standards recommend keeping solar arrays well away from roof edges and peak in order to enable some fire fighting access. Different fire departments have addressed this in different ways. Recommendations for solar friendly permitting that accommodate Fire Code recommendations can be found in the Solar America Board of Codes and Standards.*

### **Plan Approval**

*This process is generally part of the process for obtaining a building permit. If the community does not issue building permits, it can be tied to a land use permit instead. For rural areas or cities without standards for rooftop systems, the plan approval section may be eliminated.*



provide a site plan for review.

1. Plan Applications — Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
2. Plan Approvals — Applications that meet the design requirements of this ordinance shall be granted administrative approval by the zoning official and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.

**G. Approved Solar Components** — Electric solar energy system components must have a UL or equivalent listing and solar hot water systems must have an SRCC rating.

**H. Compliance with Building Code** — All solar energy systems shall meet approval of local building code officials, consistent with the State of Wisconsin Building Code or the Building Code adopted by the local jurisdiction, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.

**I. Compliance with State Electric Code** — All photovoltaic systems shall comply with the Wisconsin State Electric Code.

**J. Compliance with State Plumbing Code** — Solar thermal systems shall comply with applicable Wisconsin State Plumbing Code requirements.

**K. Utility Notification** — All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

**V. Principal Uses** – Model Community encourages the development of commercial or utility scale solar energy systems where such systems present few land use conflicts with current and future development patterns. Ground-mounted solar energy systems that are the principal use on the development lot or lots are conditional uses in selected districts.

**A. Principal Use General Standards**

**1. Site Design**

**a. Set-backs** – Community- and large-scale solar arrays must meet the following setbacks;

1. Property line setback for buildings or structures in the district in which the system is located, except as other determined in 1.a.5 below.
2. Roadway setback of 150 feet from the ROW centerline of State highways and CSAHs, 100 feet for other roads, except as otherwise determined in 1.a.5 below.
3. Housing unit setback of 150 feet from any existing dwelling unit, except as other determined in 1.a.5 below.
4. Setback distance should be measured from the edge of the solar energy system array, excluding security fencing, screening, or berm.
5. All setbacks can be reduced by 50% if the array is fully screened from the setback point of measurement.

**b. Screening** – Community- and large-scale solar shall be screened from existing residential dwellings.

1. A Screening plan shall be submitted that identifies the type and extent of screening.
2. Screening shall be consistent with Model Community’s screening ordinance or standards typically applied for other land uses requiring screening.
3. Screening shall not be required along property lines within the same zoning district, except where the adjoining lot has an existing residential uses.
4. Model Community may require screening where it determines there is a clear community interest in maintaining a viewshed.

**Community-Scale Solar or Solar Gardens**

*Community solar systems differ from rooftop or solar farm installations primarily in regards to system ownership and disposition of the electricity generated, rather than land use considerations. There is, however, a somewhat greater community interest in community solar, and thus communities should consider creating a separate land use category.*

*This language limits the size of the garden to ten acres, which is an installation of no more than one MW of solar capacity. Communities should tailor this size limit to community standards, which may be smaller or larger.*

**Appropriate Setbacks**

*The community should consider balancing set-back requirements and screening requirements for principal use solar. Since the primary impact to neighbors of large-scale solar is visual, screening becomes less useful, as the setbacks get larger (and vice versa).*

*The setback distances provided here are general examples that should be modified to be consistent with other setbacks already in the ordinance. Excessive setbacks that are unique to solar land uses, or that are similar to high nuisance land uses such as industrial uses or animal agriculture, are unjustified given the low level of risk or nuisance posed by the system.*

**Screening**

*The community should consider limiting screening of community- or large-scale solar to where there is a visual impact from an existing use, such as adjacent residential districts or uses. Solar energy systems may not need to be screened from adjacent lots if those lots are in agricultural use, are non-residential, or have low-intensity commercial use.*

**c. Ground cover and buffer areas** – the following provisions shall apply to the clearing of existing vegetation and establishment of vegetated ground cover. Additional site-specific conditions may apply as required by Model Community.

1. Large-scale removal of mature trees on the site is discouraged. Model Community may set additional restrictions on tree clearing or require mitigation for cleared trees.
2. The applicant shall submit a vegetative management plan prepared by a qualified professional or reviewed and approved by a natural resource agency or authority, such as the Wisconsin Department of Natural Resources, County Soil and Water Conservation District, Land and Water Conservation Department or Natural Resource Conservation Service. The plan shall identify:
  - a. The natural resource professionals consulted or responsible for the plan
  - b. The conservation, habitat, eco-system, or agricultural goals, which may include: providing habitat for pollinators such as bees and monarch butterflies, providing habitat for wildlife such as upland nestine birds and other wildlife, establishing vegetation for livestock grazing, reducing on-site soil erosion, and improving or protecting surface or ground-water quality.
  - c. The intended mix of vegetation upon establishment.
  - d. The management methods and schedules for how the vegetation will be managed on an annual basis, with particular attention given to the establishment period of approximately three years.
3. Soils shall be planted and maintained in perennial vegetation for the full operational life of the project, to prevent erosion, manage run off and build soil.
4. Vegetative cover should include a mix of perennial grasses and wildflowers that will preferably result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in buffer areas as appropriate for visual screening. Perennial vegetation (grasses and forbs) are preferably native to Wisconsin, but where appropriate to the vegetative management plan goals, may also include other naturalized and non-invasive species which provide habitat for pollinators and wildlife and/or other ecosystem services (i.e. clovers).

**d. Plant material** — Plant material must not have been treated with systemic insecticides, particularly neonicotinoids.

**e. Foundations** - A qualified engineer shall certify that the foundation and design of the solar panel racking and support is within accepted professional standards, given local soil and climate conditions.

**f. Power and communication lines** - Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by Model Community in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.

#### **Stormwater and Water Quality Standards**

*Perennial grasses and wildflowers planted under the panels, between arrays, and in setback or buffer areas will substantially mitigate the stormwater risks associated with solar arrays and result in less runoff than typically seen from many types of agriculture. Establishing and maintaining perennial ground cover can have important co-benefits to the community or the property owner. The ground cover standards in Section A.3. will mitigate many stormwater risks, although soil type and slope can still affect the need for additional stormwater mitigation.*

*Solar with native or perennial ground cover can provide multiple water quality benefits when converting from most agricultural crop uses. Both groundwater (limiting nitrate contamination) and surface waters (reducing phosphorus and sediment loading) can benefit if the system is appropriately designed.*

2. **Stormwater and NPDES** -- Solar farms are subject to Model Community’s stormwater management and erosion and sediment control provisions and NPDES permit requirements. Solar collectors shall not be considered impervious surfaces if the project complies with ground cover standards, as described in A.1.c. of this ordinance.
3. **Other standards and codes** - All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Wisconsin Uniform Building Code, as amended; and the National Electric Code, as amended.

4. **Site Plan Required** – The applicant shall submit a detailed site plan for both existing and proposed conditions, showing locations of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by Model Community. The site plan should show all zoning districts and overlay districts.

**Site Plan**

*Solar farm developers should provide a site plan similar to that required by the community for any other development. Refer to your existing ordinance to guide site plan submittal requirements.*

5. **Aviation Protection** - For solar farms located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

**Aviation Standards, Glare**

*This standard was developed for the FAA for solar installations on airport grounds. It can also be used for solar farm and garden development in areas adjacent to airports. This standard is not appropriate for areas where reflected light is not a safety concern.*

6. **Agricultural Protection** - Solar farms must comply with site assessment or soil identification standards that are intended to identify agricultural soils. Model Community may require mitigation for use of prime soils for solar array placement, including the following:

**Agricultural Protection**

*If the community has ordinances that protect agricultural soils, this provision applies those same standards to solar development. Communities should understand, however, that solar farms do not pose the same level or type of risk to agricultural practices as does housing or commercial development. Solar farms can be considered an interim use that can be easily turned back to agriculture at the end of the solar farm’s life (usually 25 years.)*

- a. Demonstrating co-location of agricultural uses (agrivoltaics) on the project site.
- b. Using an interim use or time-limited CUP that allows the site to be returned to agriculture at the end of life of the solar installation.
- c. Placing agricultural conservation easements on an equivalent number of prime soil acres adjacent to or surrounding the project site.
- d. Locating the project in a wellhead protection area for the purpose or removing agricultural uses from high risk recharge areas.

7. **Decommissioning** - A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life.

- a. Decommissioning of the system must occur in the event the project is not in use for 12 consecutive months.
- b. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and assurances that financial resources will be available to fully decommission the site.

- c. Disposal of structures and/or foundations shall meet the provisions of the Model Community Solid Waste Ordinance.
- d. Model Community may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

**B. Community-Scale Solar** – Model Community permits the development of community-scale solar, subject to the following standards and requirements:

1. **Rooftop gardens permitted** – Rooftop community systems are permitted in all districts where buildings are permitted.
2. **Community-scale uses** – Ground-mount community solar energy systems must cover no more than ten acres (project boundaries), and are a permitted use in industrial and agricultural districts, and permitted with standards or conditional in all other non-residential districts. Ground-mount solar developments covering more than ten acres shall be considered large-scale solar.
3. **Dimensional standards** – All structures must comply with setback and height, standards for the district in which the system is located.
4. **Other standards** – Ground-mount systems must comply with all required standards for structures in the district in which the system is located.

**C. Large-Scale Solar** – Ground-mount solar energy arrays that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market, are permitted under the following standards:

1. **Conditional use permit** – Solar farms are conditional uses in agricultural districts, industrial districts, shoreland and floodplain overlay districts, airport safety zones subject to A.1.5 of this ordinance, and in the landfill/brownfield overlay district for sites that have completed remediation.

**Defining Community-Scale Solar**

*The acreage size for community-scale solar garden written here (10 acres) is the high end of project size for a one megawatt system, but community-scale could be defined as high as 10 megawatts (100 acre project size). Community-scale solar is the size that can fit in to the landscape.*

**Drinking Water Protection**

*In identifying preferred areas or districts for solar principal uses, the community should consider co-benefits of solar energy development. One such potential co-benefit is protection of drinking water supplies. Solar energy development may be intentionally sited within vulnerable portions of public water supply systems as a best management practice to restore and protect perennial groundcover that reduces nitrate contamination of ground water supplies.*

**Large-Scale Solar Conditional Uses**

*Large -scale solar should require a conditional use or interim use permit in order for the community to consider the site-specific conditions. The districts listed here are examples. Each community needs to consider where large scale solar is suitable in the context of its zoning districts and priorities.*

## Example Use Table

Use Type	Residential	Mixed Use	Business	Industrial	Agricultural, Rural, Landfill	Shoreland	Floodplain	Special (Conservation, Historic Districts)
Large-scale solar				C	C	C	C	C
Community-scale solar	C	C	C	P	P	PS	PS	PS
Accessory use ground-mounted solar	P	P	P	P	P	P	C	C
Rooftop solar	P	P	P	P	P	P	P	PS

P = Permitted

PS = Permitted Special (additional separate permit or review)

C = Conditional

Blank Cell = Prohibited

### **Solar as a Land Use**

The above use table shows four types of solar development that are distinct types of land uses (two kinds of accessory uses, two principal uses), and a group of districts or overlays that are commonly used in Wisconsin.

- Rooftop systems are permitted in all districts where buildings are permitted, with recognition that historic districts will have special standards or permits separate from the zoning permits.
- Accessory use ground-mounts are conditional where potentially in conflict with the primary district or overlay goal.
- Community-scale solar principal uses are conditional where land use conflicts or opportunity conflicts are high, permitted where a 10-acre development can be integrated into the landscape, and requiring special consideration in shoreland and floodplain overlay districts.
- Large-scale solar is prohibited in higher density districts and conditional in all other districts.

Both community- and large-scale solar is allowed in shoreland and floodplain overlay districts, because the site design standards requiring beneficial habitat ground cover not only ensure a low-impact development but in most cases result in a restoration of ecosystem services from the previous (usually agricultural) use.

**VI. Restrictions on Solar Energy Systems Limited** – As of (adoption date for this ordinance) new homeowners’ agreements, covenant, common interest community standards, or other contract between multiple property owners within a subdivision of Model Community shall not restrict or limit solar energy systems to a greater extent than Model Community’ solar energy standards.

**VII. Renewable Energy Condition for Certain Permits**

**A. Condition for Planned Unit Development (PUD) Approval**

-- Model Community may require on-site renewable energy systems, zero-net-energy (ZNE) or zero-net-carbon (ZNC) building designs, solar-synchronized electric vehicle charging or other clean energy systems as a condition for approval of a PUD permit to mitigate for:

1. Impacts on the performance of the electric distribution system,
2. Increased local emissions of greenhouse gases associated with the proposal,
3. Need for electric vehicle charging infrastructure to offset transportation-related emissions for trips generated by the new development,
4. Other impacts of the proposed development that are inconsistent with the Model Community Comprehensive Plan.

**B. Condition for Conditional Use Permit** – Model Community may require on-site renewable energy systems or zero net energy construction as a condition for a rezoning or a conditional use permit.

**VIII. Solar Roof Incentives** - Model Community encourages incorporating on-site renewable energy system or zero net energy construction for new construction and redevelopment. Model Community may require on-site renewable energy or zero-net-energy construction when issuing a conditional use permit where the project has access to local energy resources, in order to ensure consistency with Model Community’s Climate Action Plan.

**A. Density Bonus** - Any application for subdivision of land in the \_\_\_ Districts that will allow the development of at least four new lots of record shall be allowed to increase the maximum number of lots by 10% or one lot, whichever is greater, provided all building and wastewater setbacks can be met with the increased density, if the applicant enters into a development agreement guaranteeing at least three (3) kilowatts of PV for each new residence that has a solar resource.

**Renewable Energy Conditions, Incentives**

*The community can use traditional development tools such as conditional use permits, PUDs, or other discretionary permits to encourage private investment in solar energy systems as part of new development or redevelopment. This model ordinance notes these opportunities for consideration by local governments. In most cases, additional ordinance language would need to be tailored to the community’s ordinances.*

*For instance, a provision that PUDs (or other special district or flexible design standard) incorporate solar energy should be incorporated into the community’s PUD ordinance rather than being a provision of the solar standards.*

*Conditional use permits generally include conditions, and those conditions can include renewable energy or zero net energy design, but only if the conditions are clearly given preference in adopted policy or plans providing the Board of adjustment with clear guidance for approving the conditions. Explicit reference to climate or energy independence goals in the ordinance and explicit preference for such conditions will set a foundation for including such conditions in the permit.*

**Solar Roof Incentives**

*This section of the model ordinance includes a series of incentives that can be incorporated into development regulation. Most cities and many counties use incentives to encourage public amenities or preferred design. These same tools and incentives can be used to encourage private investment in solar energy. Communities should use incentives that are already offered, and simply extend that incentive to appropriate solar development.*

*Some of the incentives noted here are not zoning incentives, but fit more readily into incentive programs offered by the community (such as financing or incentive-based design standards).*

**B. Solar-Ready Buildings** – Model Community encourages builders to use solar-ready design in buildings. Buildings that submit a completed U.S. EPA Renewable Energy Ready Home Solar Photovoltaic Checklist (or other approved solar-ready standard) and associated documentation will be certified as a Model Community solar ready home, and are eligible for low-cost financing through Model Community’s Economic Development Authority. A designation that will be included in the permit home’s permit history.

**C. Solar Access Variance** – When a developer requests a variance from Model Community’s subdivision solar access standards, the zoning administrator may grant an administrative exception from the solar access standards provided the applicant meets the conditions of 1. and 2. below:

1. **Solar Access Lots Identified** - At least \_\_\_% of the lots, or a minimum of \_\_\_ lots, are identified as solar development lots.
2. **Covenant Assigned** - Solar access lots are assigned a covenant that homes built upon these lots must include a solar energy system. Photovoltaic systems must be at least three (3) KW in capacity.
3. **Additional Fees Waived** - Model Community will waive any additional fees for filing of the covenant.

#### **Solar Ready Buildings**

*New buildings can be built “solar-ready” at very low cost (in some cases the marginal cost is zero). Solar energy installation costs continue to decline in both real and absolute terms, and are already competitive with retail electric costs in many areas. If new buildings have a rooftop solar resource, it is likely that someone will want to put a solar energy system on the building in the future. A solar ready building greatly reduces the installation cost, both in terms of reducing labor costs of retrofits and by “pre-approving” most of the installation relative to building codes.*

*A community’s housing and building stock is a form of infrastructure that, although built by the private sector, remains in the community when the homeowner or business leaves the community. Encouraging solar-ready construction ensures that current and future owners can take economic advantage of their solar resource when doing so makes the most sense for them.*

#### **Solar Access Subdivision Design**

*Some communities will require solar orientation in the subdivision ordinance, such as requiring an east-west street orientation within 20 degrees in order to maximize lot exposure to solar resources. However, many such requirements are difficult to meet due to site constraints or inconsistency with other requirements (such as connectivity with surrounding street networks). Rather than simply grant a variance, the community can add a condition that lots with good solar access actually be developed as solar homes.*



