

ORDINANCE 05-2021
AMENDING CHAPTERS 274 & 325
VILLAGE OF COTTAGE GROVE MUNICIPAL CODE

The Village Board for the Village of Cottage Grove, Dane County Wisconsin, does hereby ordain as follows:

SECTION I. – BACKGROUND RATIONALE

The Village of Cottage Grove’s Ad Hoc Sustainability Committee and Plan Commission have reviewed the Village’s ordinances related to solar power and solar energy collection systems with the intent of bringing the ordinance up to date with current technology and remove unnecessary barriers to the installation of such systems.

1. The proposed amendments address different types of solar collection devices including ground mounted, roof mounted, of canopy mounted accessory uses and solar farms as a primary use.
2. The proposed amendment provides definitions of the various solar devices.
3. The proposed amendment addresses the approval of solar devices via the building permit process.

SECTION II. – CURRENT AND AMENDED LANGUAGE

Section 274-40(G) shall be added to read as follows:

G.

To facilitate solar access, streets shall be oriented in a manner that maximizes the east-west length of blocks to the maximum extent possible or to within 20 degrees of such orientation. Solar access is generally greatest when the buildings’ longest axis is east to west and southerly building exposures are maximized. The requirement above shall not apply where the subdivider demonstrates any of the following:

(1)

There are other means of assuring solar access to lots in question, including but not limited to cluster development on large parcels or through the use of building setback or solar access easements.

(2)

Topographic conditions on or surrounding the land being subdivided make such orientation unreasonable.

(3)

The shape and size of the property being subdivided makes such orientation unreasonable.

(4)

Adopted storm water management plans or policies make such orientation unreasonable.

(5)

Existing or approved future development contiguous to the subject property make such orientation unreasonable.

(6)

Existing street patterns contiguous to the subject property precludes adequate solar access to the portion in question.

(7)

Specific adverse environmental impacts would occur on the site if such orientation were achieved.

(8)

Desirable street circulation patterns require some streets to be in more of a north-south direction.

Section 274-60 Street Trees currently reads:

The subdivider or land divider shall plant at least one tree of a species acceptable to the Village Board and of at least six feet in height for each 50 feet of frontage on all streets proposed to be dedicated. The required trees shall be planted in accordance with plans and specifications approved by the Village Board.

Section 274-60 Street Trees shall be amended to read:

The subdivider or land divider shall plant at least one tree of a species acceptable to the Village Board and of at least six feet in height for each 50 feet of frontage on all streets proposed to be dedicated. The installation of street trees shall consider solar access objectives in the selection of tree species and planting location so as to minimize future shading of the most southerly side of contemplated building locations. The required trees shall be planted in accordance with plans and specifications approved by the Village Board.

Add the following definitions to 325-10, placed alphabetically between 'skylight' and 'standard zoning districts.'

Solar Energy Collection System

A device, structure, or a part of a device/structure with the primary purpose of transforming solar energy (direct radiant energy received from the sun) into thermal, chemical, or electrical energy.

(1)

A building permit shall be acquired per 130-6 prior to the installation of a solar energy collection system.

(2)

Any conditions or restrictions placed on the solar energy collection system shall be limited to those that serve to preserve or protect public health and safety, or do not significantly increase the cost or decrease the efficiency of the system.

Solar Energy Collection System, Canopy Mounted

A collection system consisting of elevated solar panels installed above parking lots, carports, or other paved areas.

Solar Energy Collection System, Ground Mounted

A collection system associated with mounting hardware that is affixed or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems.

Solar Energy Collection System, Roof Mounted

A collection system structurally mounted to the roof of a building or other permitted structure including limited accessory equipment associated with a system which may be ground mounted. Normally installed parallel to the roof with a few inches gap.

Solar Farm

Site on which the primary land use is an array of multiple solar collectors on ground-mounted racks or poles.

Add the following to 325-37(A)(2)(a), the list of principal uses permitted by right in RH district:

- (9) Solar farm.

Add the following to 325-37(A)(3)(a), the list of accessory uses permitted by right in RH district:

- (11) Ground mounted solar energy collection system.
- (12) Roof mounted solar energy collection system.
- (13) Canopy mounted solar energy collection system.

Add the following to 325-38(A)(3)(a), the list of accessory uses permitted by right in SR-4 district:

- (12) Ground mounted solar energy collection system.
- (13) Roof mounted solar energy collection system.
- (14) Canopy mounted solar energy collection system.

Add the following to 325-38(B)(3)(a), the list of accessory uses permitted by right in SR-6 district:

- (12) Ground mounted solar energy collection system.
- (13) Roof mounted solar energy collection system.
- (14) Canopy mounted solar energy collection system.

Add the following to 325-38(C)(3)(a), the list of accessory uses permitted by right in TR-8 district:

- (11) Ground mounted solar energy collection system.
- (12) Roof mounted solar energy collection system.
- (13) Canopy mounted solar energy collection system.

Add the following to 325-38(D)(3)(a), the list of accessory uses permitted by right in HR-9 district:

- (12) Ground mounted solar energy collection system.
- (13) Roof mounted solar energy collection system.
- (14) Canopy mounted solar energy collection system.

Add the following to 325-38(E)(3)(a), the list of accessory uses permitted by right in MR-10 district:

- (11) Ground mounted solar energy collection system.
- (12) Roof mounted solar energy collection system.
- (13) Canopy mounted solar energy collection system.

Add the following to 325-38(F)(3)(a), the list of accessory uses permitted by right in MR-12 district:

- (11) Ground mounted solar energy collection system.
- (12) Roof mounted solar energy collection system.
- (13) Canopy mounted solar energy collection system.

Add the following to 325-39(A)(3)(a), the list of accessory uses permitted by right in NO district:

- (12) Ground mounted solar energy collection system.
- (13) Roof mounted solar energy collection system.
- (14) Canopy mounted solar energy collection system.

Add the following to 325-39(B)(3)(a), the list of accessory uses permitted by right in the PO district:

- (12) Ground mounted solar energy collection system.
- (13) Roof mounted solar energy collection system.
- (14) Canopy mounted solar energy collection system.

Add the following to 325-40(A)(3)(a), the list of accessory uses permitted by right in the NB district:

- (10) Ground mounted solar energy collection system.
- (11) Roof mounted solar energy collection system.
- (12) Canopy mounted solar energy collection system.

Add the following to 325-40(B)(3)(a), the list of accessory uses permitted by right in PB district:

- (12) Ground mounted solar energy collection system.
- (13) Roof mounted solar energy collection system.
- (14) Canopy mounted solar energy collection system.

Add the following to 325-40(C)(3)(a), the list of accessory uses permitted by right in CB district:

- (13) Ground mounted solar energy collection system.
- (14) Roof mounted solar energy collection system.
- (15) Canopy mounted solar energy collection system.

Add the following to 325-41(A)(2)(a), the list of principal uses permitted by right in PI district:

- (11) Solar farm.

Add the following to 325-41(A)(3)(a), the list of accessory uses permitted by right in PI district:

- (12) Ground mounted solar energy collection system.
- (13) Roof mounted solar energy collection system.
- (14) Canopy mounted solar energy collection system.

Add the following to 325-41(B)(2)(a), the list of principal uses permitted by right in GI district:

- (11) Solar farm.

Add the following to 325-41(B)(3)(a), the list of accessory uses permitted by right in GI district:

- (13) Ground mounted solar energy collection system.
- (14) Roof mounted solar energy collection system.
- (15) Canopy mounted solar energy collection system.

Add the following to 325-41(C)(2)(a), the list of principal uses permitted by right in HI district:

- (12) Solar farm.

Add the following to 325-41(C)(3)(a), the list of accessory uses permitted by right in HI district:

- (13) Ground mounted solar energy collection system.
- (14) Roof mounted solar energy collection system.
- (15) Canopy mounted solar energy collection system.

Add the following to 325-42(A)(3)(a), the list of accessory uses permitted in POS district:

- (5) Ground mounted solar energy collection system.
- (6) Roof mounted solar energy collection system.
- (7) Canopy mounted solar energy collection system.

Add 325-49(G)(5) under Industrial Uses as follows:

Solar farm; description. Site on which the primary land use is an array of multiple solar collectors on ground-mounted racks of poles.

(a)
Regulations.

(1)
A certified professional engineer shall certify the foundation and design of the solar panels are within accepted professional standards, given the local soil and climate conditions.

(2)
Systems, equipment, and structures shall not exceed thirty feet in height.

(3)
Setbacks from equipment to property lines shall match those for a primary structure in the relevant district.

(4)
Systems, equipment, and structures shall be fully enclosed and secured by a fence or wall with a height of not less than six feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

(5)
An appropriate warning sign shall be provided at each entrance to the facility along the perimeter of the solar farm. The sign at the entrance to the facility shall include the facility's 911 address and a 24-hour contact number.

Add 325-49(H)(27) as follows:

Ground mounted solar energy collection system; description. Collection system associated with mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems.

(a)
Regulations.

(1) Collection systems shall be permitted in the rear yard only in SR-4, SR-6, TR-8, and HR-9 districts, or any yard of all other districts subject to setbacks below.

(2)
The area of each panel shall be considered impervious for purposes of calculating lot coverage and landscape surface ratio.

(3)
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.

(4)
The minimum clearance between the lowest point of the system and the surface on which the system is mounted is twelve (12) inches.

(5)
All parts of the freestanding system shall be back no less than ten (10) feet from all property lines and shall not be located in any type of public easement.

Add 325-49(H)(28) as follows:

Roof mounted solar energy collection systems; description. Collection system structurally mounted to the roof of a building or other permitted structure including any limited ground mounted accessory equipment associated with the roof mounted system.

(a)
Regulations.

(1)
At the time of permitting the property owner, at the discretion of the Building Inspector, may be required to provide a report from a licensed structural engineer stating the roof in question is structurally sufficient to hold the units.

(2)
Collection systems may be located on any roof face of principal or accessory buildings. Systems should be flush mounted when possible.

(3)
Systems shall not extend past the peak of a pitched roof.

Add 325-49(H)(29) as follows:

Canopy mounted solar collection systems; description. Collection system consisting of elevated solar panels installed above parking lots, carports, or other paved areas.

(a)
Regulations.

(1)
The height of canopy solar collection system shall not exceed the height of the primary building that the parking lot serves.

(2)
The system shall not be placed over a drive aisle, driveway, or other area where it may obstruct emergency vehicles.

Section 325-91(A) currently reads:

(A)
Solar collectors.

(1)
Solar collectors attached to principal buildings may project no more than three feet from the exterior walls or more than three feet from the ridge line of sloped roofs in any district. Solar collectors on flat roofs or roofs with less than a ten-percent pitch may not extend more than six feet above the highest point of the roof line.

(2)
Solar collectors which are detached from the principal structure shall be regarded as accessory structures and subject to all the yard and height requirements of such structures.

Section 325-91(A) shall be amended to read:

(A)
Solar collectors. Ground mounted, roof mounted, and canopy mounted solar energy collection systems are regulated as accessory uses as follows:

(1)
Ground mounted solar energy collection system; see 325-47(H)(27).

(2)

Roof mounted solar energy collection system; see 325-47(H)(28).

(3)

Canopy mounted solar energy collection system; see 325-47(H)(29).

SECTION III. - CONFLICT AND SEVERABILITY

SECTIONS 1-10 and 1-11 of the MUNICIPAL CODE OF THE VILLAGE OF COTTAGE GROVE shall apply to this ordinance.

SECTION IV. - EFFECTIVE DATE

This ordinance shall take effect upon compliance with the publication/posting requirements of the Wisconsin Statutes.

Adopted this XXth day of XXX, 2021.

BY ORDER OF THE VILLAGE BOARD
VILLAGE OF COTTAGE GROVE

John Williams, Village President

Attest:

Lisa Kalata, Village Clerk