

TOWN OF LAMARTINE
FOND DU LAC COUNTY, WISCONSIN



**Amendment to Chapter 16.10(A) Zoning Regulations
Regarding Solar Energy Systems**

The Town Board of the Town of Lamartine, Fond du Lac County, Wisconsin, with quorum present and voting, and having received a recommendation of the Town of Lamartine Plan Commission and conducting a public hearing, hereby ordains the following amendments to the Town of Lamartine Zoning Ordinance:

Section 16.10(A) is amended and recreated to read:

16.10(A) Solar Energy Systems.

- (1) Purpose. The purpose of this Section is to provide a regulatory scheme for the construction and operation of Solar Energy Systems, other than those excluded in 16.10(A)(2) and 16.10(A)(3) below, in the Town of Lamartine, Fond du Lac County, Wisconsin. All regulations contained herein are adopted to preserve and protect the public health and safety.
- (2) Definitions.
 - (a) Solar Energy System. Equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy. "Solar Energy System" excludes solar powered light fixtures that are ground or wall mounted and solar powered electric fences.
 - (b) Solar energy system, free-standing: An accessory use that is the installation of equipment mounted on the ground that uses sunlight to produce electricity or provide heat or hot water to a building. (In contrast see Solar energy system).
 - (c) Solar energy system, building-mounted: An accessory use that is the installation of equipment mounted on a building or incorporated into the exterior building materials that uses sunlight to produce electricity or provide heat or water to a building.

(3) Permit Required. No Solar Energy System may be installed or maintained in the Town of Lamartine without a Solar Energy System Permit granted pursuant to this ordinance, except that no permit is required for a free-standing solar energy system or a building-mounted solar energy system if it meets the following criteria:

a. Building-Mounted Solar Energy Systems are allowed without obtaining a permit as an accessory use on the following conditions:

- i. No portion of a panel used to collect solar energy may extend beyond the roof surface or the wall surface to which it is attached.
- ii. The solar energy system shall comply with the maximum height requirements of the zoning district in which the building is located.
- iii. The panels of the solar energy system that are mounted on a pitched roof may be either fixed or movable and may be placed at an angle to optimize efficiency of the system.
- iv. The solar energy system may be mounted on the façade of a commercial building provided the installation does not project more than four feet from the face of the wall.
- v. All solar panels shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the Town Board.
- vi. If the Town determines that more than fifty percent of the panels (measured by total area) have not been operational for a continuous period of twelve months, the solar panels shall be removed.

b. Free-Standing Solar Energy Systems are allowed without obtaining a permit as an accessory use on the following conditions:

- i. The surface area of the solar energy system shall not exceed 250 square feet when located in any residential district. There is no maximum surface area in all other districts. The surface area of the solar energy system shall not be included when determining the total accessory structure area allowed on the lot.
- ii. There shall be no more than one Free-Standing Solar Energy system when located in any residential district. There is no maximum number in all other districts.
- iii. The solar energy system shall meet the maximum height restriction for an accessory structure for the zoning district in which it is located.
- iv. The solar energy system shall meet all setback requirements for an accessory structure for the district in which it is located.
- v. All solar panels shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the Town Board.
- vi. If the Town determines that more than fifty percent of the panels (measured by total area) have not been operational for a continuous period of twelve months, the solar panels shall be removed.

(4) Application. Every application for a Solar Energy System Permit shall be made in writing and shall include the following information:

- (a) Name and address of the applicant.
- (b) Evidence that the applicant is the owner of the property involved or has the written permission of the owner to make such an application.

- (c) Scaled drawing of the Solar Energy System and its dimensions, its location, its height above ground level, orientation, and slope from the horizontal.
- (d) Site plan showing lot lines and dimensions of the Solar Energy System user's lot and neighboring lots that will be affected by the Solar Energy System.
- (e) Documentation showing that no reasonable alternative location exists for the Solar Energy System that would result in less impact on neighboring lots.
- (f) Documentation showing that removing or trimming vegetation on the applicant's lot will not permit an alternative location for the Solar Energy System that would result in less impact on neighboring lots.
- (g) Such additional information as may be reasonably requested.
- (h) Any of the information required by this section may be waived by the Town at its discretion.
- (i) An applicant for a solar energy system exceeding 5 MW shall deposit an application fee of \$20,000 with the Town at the time the application is filed. All costs incurred by the Town relating to the review and processing of the application, including the cost of services necessary to review an application that are provided by outside engineers, attorneys, planners, environmental specialists, and other consultants or experts shall be billed against the deposit. The applicant shall maintain a minimum of \$5,000 in the account until the review process and construction (if approved) is completed. If the balance in the account drops below \$5,000, the applicant shall deposit additional money to bring the account balance to \$7,500 within five (5) business days. The Town will refund any remaining balance in the account within 60 days after the final inspection of the constructed solar energy system or after denial of the application, as applicable. The Town reserves the right to refuse review of an application in the event an applicant fails to comply with this subsection.

(j) An applicant for a solar energy system up to 5 MW shall deposit an application fee of \$10,000 with the Town at the time the application is filed. All costs incurred by the Town relating to the review and processing of the application, including the cost of services necessary to review an application that are provided by outside engineers, attorneys, planners, environmental specialists, and other consultants or experts shall be billed against the deposit. The applicant shall maintain a minimum of \$2,500 in the account until the review process and construction (if approved) is completed. If the balance in the account drops below \$2,500, the applicant shall deposit additional money to bring the account balance to \$5,000 within five (5) business days. The Town will refund any remaining balance in the account within 60 days after the final inspection of the constructed solar energy system or after denial of the application, as applicable. The Town reserves the right to refuse review of an application in the event an applicant fails to comply with this subsection.

(5) Review of Solar Energy System Permit Application. The Town will consider each Solar Energy System on a case-by-case basis following the procedures in Section 16.1 except as modified in this Section. In addition to the notice requirements set forth in Section 16.1, the applicant shall provide written notice of its application to the owners and occupants of all properties located within 1,000 feet of any parcel upon which any portion of the proposed solar energy system will be located. The Town may deny a permit for a Solar Energy System or may impose restrictions on a Solar Energy System if the Town finds that the denial or restrictions satisfy one of the following conditions:

- (a) The denial or restriction serves to preserve or protect the public health or safety.
- (b) The denial or restriction does not significantly increase the cost of the system or significantly decrease its efficiency.
- (c) The denial or restriction allows for an alternative system of comparable cost efficiency.

(6) Solar Energy System Restrictions. The Town may impose restrictions on a Solar Energy System relating to any of the following:

- (a) Location of the Solar Energy System.
 - (b) Setbacks from inhabited structures, property lines, public roads, communication and electrical lines, and other sensitive structures and locations.
 - (c) Wiring and electrical controls of the Solar Energy System.
 - (d) Reimbursement for emergency services required as a result of the Solar Energy System.
 - (e) Solar Energy System ground clearance.
 - (f) Solar Energy System height.
 - (g) Decommissioning and reclamation.
 - (h) Any other matters that the Town finds appropriate.
- (7) Revocation. Any permit granted for the installation or maintenance of a Solar Energy System may be revoked by the Town if the permit holder, its heirs, or assigns, violates the provisions of this ordinance or the provisions of a permit granted pursuant to this ordinance.

All other provisions of the Town of Lamartine Zoning Ordinance remain in full force and effect.

The Town Clerk and Town Attorney are hereby authorized and directed to take all action necessary to implement this Ordinance.

Dated this 11 day of April, 2022.

TOWN OF LAMARTINE

By: Frank Bartz
Frank Bartz, Chairperson

Attest:

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Jessica Randall, Town Clerk