

STATE OF WISCONSIN  
MILWAUKEE AND OZAUKEE COUNTIES  
VILLAGE OF BAYSIDE

ORDINANCE NO: 21-722

**An Ordinance to Repeal and Recreate Section 104-4(n) and to Create Section 104-4(o)  
of the Municipal Code with Regard to Solar Energy Systems**

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The Village Board of the Village of Bayside, Milwaukee and Ozaukee Counties, Wisconsin does ordain as follows:

Section One: Section 104-4(n) of the Municipal Code is hereby repealed and recreated to read as follows:

(n) Solar Energy Systems shall be subject to the following:

(1) Definitions:

- i. *Solar access:* The access of a solar energy system to direct sunlight.
- ii. *Solar energy system:* Any device or structural design feature whose primary purpose is to provide daylight for interior lighting or provide for the collection, storage, or distribution of solar energy for space heating, space cooling, electricity generation, or water heating.
- iii. *Roof-mounted solar energy system:* A solar energy system that is structurally mounted to the roof of a principal or accessory building or structure.
- iv. *Ground-mounted solar energy system:* A solar energy system that is structurally mounted to, or placed on, the ground and is not roof-mounted.

(2) Building Permits shall be required for the installation, construction or movement of solar energy systems in the Village.

- i. Such permits shall require the submittal of a Permit Application and such fee as established by the Village Board from time-to-time.
- ii. If, in the sole discretion of the Building Inspector the proposed or existing installation may conflict with the solar power or wind power interests of neighbors, may inhibit potential future construction by neighbors, may threaten public health and safety, or otherwise may be inconsistent with this Code or the public interest, the Building Inspector may refer the permit application to the Architectural Review Commission for review.

(3) Solar energy systems constructed, reconstructed, installed, moved, or maintained within the Village shall comply with the following regulations.

- i. Solar energy systems are a permitted accessory use within all zoning districts, whether as part of a structure or incidental to one or more structures.
- ii. Building permits are required for the construction of solar energy systems.

- iii. All exterior mechanical and electrical equipment supporting solar energy systems shall be screened on all vertical sides at least to the height of the screened equipment and incorporated into the design of any building to the maximum extent feasible.
  - iv. Solar energy systems, including all solar panels shall be installed in a manner that prevents glare or reflection of light to any neighboring right-of-way, or adjoining property.
- (4) Roof-mounted Solar Energy Systems shall comply with the following regulations:
- i. Roof-mounted solar energy system shall not project beyond the edge of the roof.
  - ii. Roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district.
  - iii. Roof-mounted solar energy systems shall not be more than six (6) inches off the roof.
  - iv. Roof-mounted solar energy systems total area MAY not exceed half the total square footage of the roof on the structure on which it is mounted.
  - v. There shall be no more than one (1) roof-mounted solar energy system per property.
- (5) Ground-mounted Solar Energy Systems shall comply with the following regulations:
- i. Ground-mounted solar energy systems may be no more than ten (10) feet in height.
  - ii. Ground-mounted solar energy systems in residential districts may only be installed in side yards or rear yards.
  - iii. Ground-mounted solar energy systems must comply with applicable property side and rear yard setbacks.
  - iv. For purposes of determining compliance with applicable impervious surface standards, the total horizontal projection area of all ground-mounted and free-standing solar collectors, including, without limitation, solar photovoltaic cells, panels, arrays, and inverters, shall be considered pervious coverage so long as pervious conditions are maintained underneath the solar photovoltaic cells, panels, and arrays.
  - v. Ground-mounted solar energy systems total collector area may not exceed half the building footprint of the principal structure on the property on which it is installed.
  - vi. There shall be no more than one (1) ground-mounted solar energy system per property.
- (6) Authority to restrict systems limited.
- i. The Building Inspector and, if applicable, the Architectural Review Committee, shall review any proposed solar energy system and approve the application as submitted or subject to restrictions, which restrictions must accomplish one of the following:
    - serve to preserve or protect public health and safety;
    - not significantly increase the cost of the system or significantly decrease efficiency; or
    - allow for alternative systems of comparable cost and efficiency.

Section Two: Section 104-4(o) is hereby created to read as follows:

“Nothing in this section shall preclude the right of appeal as provided by section 125-57.”

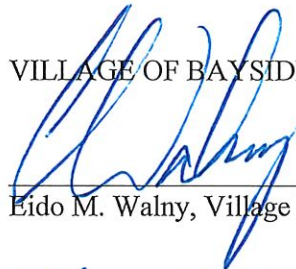
Section Three: Severability: In the event that any provision of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portions of this Ordinance shall be deemed separate, distinct and independent provisions of the Ordinance and all remaining portions of this Ordinance shall remain in full force and effect.

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

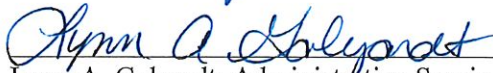
Section Five: This ordinance shall take effect and be in force after its passage and posting pursuant to law.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Bayside this fifteenth day of April, 2021.

VILLAGE OF BAYSIDE



Eido M. Walny, Village President



Lynn A. Galyardt, Administrative Service  
Director/Village Clerk