

## **TITLE X**

### **Chapter 53**

#### **Solar Access**

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#### 53.01 DEFINITIONS.

Section 66.032(1) Wis. Stat. is adopted by reference with respect to applicable definitions, unless modified herein.

#### 53.02 PURPOSE.

The purpose of this ordinance is as follows:

- (1) To set guidelines for conduct so as to enable use of solar systems without interference with individual property rights.
- (2) To provide a procedure for solar access permits.
- (3) To establish a grievance or appeal process.

#### 53.03 PERMIT PROCEDURE.

- (1) The Council shall provide a procedure for granting permits.
- (2) An application is required before the applicant is granted a permit.
- (3) The Clerk shall be responsible for furnishing appropriate forms and is hereby authorized and directed to develop the form and content of the application.
- (4) The Clerk, working in conjunction with the Zoning Administrator, shall adopt a fee schedule for use in the permit process. The Council shall approve the fee schedule.
- (5) A fee shall accompany the application for a permit; the Clerk shall review its content and refer the application to both the Zoning Administrator.
- (6) Upon receipt of an application for a permit, the Clerk shall review its content and refer the application to both the Zoning Administrator and the appropriate standing committee of the Council.
- (7) Within thirty (30) days, the Zoning Administrator and the standing committee of the Council shall submit its recommendation concerning the issuance of the permit.

- (8) Upon receipt of the recommendations, the Clerk shall schedule the matter of public hearing within forty-five (45) days of receipt of the recommendations. Regardless of the recommendations, a public hearing shall be held at the expense of the applicant.
- (9) Notice of the public hearing shall be furnished by means sufficient to apprise the general public, affected property owners and interested persons of the scheduling of the hearing and that such persons shall be afforded an opportunity to be heard on the approval or disapproval of the application.
- (10) The public hearing may be adjourned:
  - (A) At the request of the applicant;
  - (B) To receive additional information and / or testimony.
  - (C) Upon the Council's own motion.
- (11) In arriving at its decision, the Council shall consider recommendations of the committee and the Zoning Administrator, together with testimony and other matters received at the public hearing, the permit shall be granted if it:
  - (A) Will not unreasonably interfere with the orderly land use and development plans of the City;
  - (B) Is not inconsistent with a prior grant, permit or approval to any developer of any structure or structures, which may constitute an impermissible interference.
- (12) In granting the permit, the Council may impose any reasonable restrictions designed to balance the interests of the public, the applicant and any adjoining property owner affected by their action.
- (13) The Council shall render its decision within thirty (30) days of the public hearing. The decision shall be part of the records in the Clerk's file and shall be given in writing to the applicant.

53.04

REMEDIES.

- (1) Applicant.
  - (A) If the application is denied, the applicant may appeal to the Zoning Board of Appeals.
  - (B) Appeal to the Board must be perfected within thirty (30) days of the date of the written notice of the Council's decision.
  - (C) To perfect an appeal, the applicant must:
    - 1.) File a written notice of appeal with the Clerk.
    - 2.) A fee set by the Zoning Board must be tendered with the notice of appeal.

- (D) The Zoning Board of Appeals has the authority to conduct its own investigation, hold public hearings, hear arguments, require briefs and other documentation, as well as any other process it deems expedient to carry out its function in deciding the appeal.
- (E) The Zoning Board shall render its decision within one hundred eighty (180) days from the date of the filing of the notice of appeal, unless the time the time is extended by mutual consent of the applicant and the Council.
- (F) The decision of the Zoning Board shall be in writing.
- (G) Denial of relief as requested by the applicant is subject to appeal to the Circuit Court.

(2) Permit Holder.

Section 66.032(7), Wis. Stat. is adopted by reference.

53.05 TERMINATION.

- (1) Termination of permit shall be ordered by the Council if:
  - (A) The solar collector or other solar energy device covered by the permit has been permanently removed or has not been used for a period of eighteen (18) consecutive months.
  - (B) The solar collector or other device has not been installed and functioning within eighteen (18) months from the date of the issuance of the permit.
- (2) The Council shall give the permit holder written notice of the termination.
- (3) The permit holder, by written agreement, may waive all or any part of rights under the permit.

53.06 RIGHTS PRESERVED.

- (1) The transfer of title to property affected by the permit shall not change the rights and duties under the ordinance.
- (2) The ordinance may not be construed to require anyone other than an owner to obtain a permit prior to installing a solar collector or other solar device. In order to obtain the protection of the ordinance, however, compliance with the provisions herein are required.