

CITY OF CLEARWATER

ORDINANCE NO. 2023-05

AN ORDINANCE AMENDING CHAPTER 117 OF THE CLEARWATER CITY CODE PERTAINING TO SOLAR ENERGY SYSTEMS

The City Council of the City of Clearwater ordains as follows:

SECTION I. The city council of the city of Clearwater hereby amends section 117-1 of the Clearwater City Code by adding the following definitions for the respective terms:

Building-integrated solar energy system means a solar energy system that is an integral part of the structure that it serves, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the structure. Building-integrated systems are contained within roofing materials, windows, skylights and awnings.

Ground-mounted solar energy system means a freestanding solar energy system mounted to the ground, including by the use of stabilizers or similar apparatuses.

Roof-mounted solar energy system means a solar energy system that is mounted to the roof or other part of a structure, including by the use of brackets, stands or other apparatuses.

Solar energy farm means a commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the principal purpose of wholesale sales of generated electricity.

SECTION II. The city council of the city of Clearwater hereby amends sections 117-378, 117-410, 117-444, 117-482, 117-513, 117-545, 117-579, and 117-617 of the Clearwater City Code by adding roof-mounted solar energy systems as a permitted accessory use in each of the respective city zoning districts: U-R, R-1, R-2, R-3, R-4, R-5, R-6, and R-MH.

SECTION III. The city council of the city of Clearwater hereby amends sections 117-655, 117-693, 117-724, 117-756, 117-790, 117-828, 117-859, and 117-891 of the Clearwater City Code by adding roof-mounted solar energy systems as a conditional use in each of the respective city zoning districts: ROT, C-1, C-2, C-3, C-4, I-1, I-2, and P/I.

SECTION IV. The city council of the city of Clearwater hereby amends chapter 117, article V of the Clearwater City Code by adding a new section 117-1039 as follows:

Sec. 117-1039. Solar energy systems.

- (a) *Purpose.* The intent of this section, in addition to the purposes articulated in section 117-1030, is to regulate solar energy systems and set forth performance standards for those that are allowed in order to protect surrounding properties from any adverse effects associated with their construction and operation. The city recognizes that using roof-mounted solar energy systems and building-integrated solar energy systems for

energy production is a re-emerging technology that provides an alternative to traditional sources of power, which may continue to increase in its share of energy production as non-renewable sources increase in costs.

- (b) *Permit requirements.* A building permit must be obtained from the city for the installation, alteration, replacement, or movement of any roof-mounted solar energy system. In certain zoning districts, a conditional use permit is also required for roof-mounted solar energy systems. Such conditional use permit applications will be considered in accordance with the city's general conditional use permit regulations set forth in article II, division 4 of this chapter as well as the performance standards listed in subsection (c) below. The city council reserves the right to add additional reasonable conditions to any conditional use permit with respect to aesthetics, height, setbacks, and location.
- (c) *Performance standards.* All roof-mounted solar energy systems shall be subject to the following performance standards, regardless of whether a conditional use permit is required.
 - (1) *Height.* A roof-mounted solar energy system must not exceed the height requirement in the applicable zoning district for the structure on which it is mounted. Additionally, roof-mounted solar energy systems shall not project beyond the peak of the roof and shall not be more than three feet above the roof surface to which they are attached, irrespective of the height of the structure.
 - (2) *Setbacks.* A roof-mounted solar energy system shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the structure on which the system is mounted.
 - (3) *Coverage.* A roof-mounted solar energy system shall not cover more than 80 percent of the total area of the roof of the structure on which the system is mounted. To facilitate emergency responder access, a roof-mounted solar energy system must also have (i) at least three feet of clearance around all roof plane edges; and (ii) at least 18 inches along all ridge lines to ensure no less than a total of three feet of combined width on both sides of the ridge is available.
 - (4) *Certification.* A roof-mounted solar energy system shall be duly certified by an accredited solar certification organization such as Underwriters Laboratories, Inc. and Solar Rating and Certification Corporation. The city reserves the right to deny a building permit for a proposed system if it is deemed to have inadequate certification.
 - (5) *Utility notification.* Prior to the issuance of any building permit for a roof-mounted solar energy system, the owner or applicant shall confirm that arrangements for interconnection have been made with the underlying electrical utility.
 - (6) *Compliance.* A roof-mounted solar energy system and its components are subject to any and all applicable federal, state and local laws and regulations, including, but certainly not limited to, applicable requirements of the building code, electrical code, and plumbing code.

- (d) *Abandonment.* A roof-mounted solar energy system that remains nonfunctional or inoperative for more than 12 consecutive months is deemed abandoned and shall constitute a public nuisance. Such an abandoned system must be removed from the structure in its entirety in accordance with all state and local requirements. Nothing provided herein shall be interpreted to prevent the city from pursuing nuisance abatement proceedings, as authorized in chapter 14, article II of the city code.
- (e) *Building-integrated solar energy systems.* Building-integrated solar energy systems are exempt from the requirements of this section and shall be regulated like any other building element.
- (f) *Ground-mounted solar energy systems.* Ground-mounted solar energy systems are prohibited in all of the city's zoning districts.
- (g) *Solar energy farms.* Solar energy farms are prohibited in all of the city's zoning districts.

SECTION V. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED by the Clearwater City Council, Clearwater, Minnesota, this 14th day of August 2023.

ATTEST:

APPROVED BY:

Annita M. Smythe, City Administrator

Andrea Lawrence Wheeler, Mayor