CITY OF WAYZATA

HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. 822

AN ORDINANCE AMENDING THE ZONING ORDINANCE RELATED TO SOLAR ENERGY SYSTEMS

WHEREAS, currently, there are no comprehensive regulations of solar energy systems in the Wayzata City Code;

WHEREAS, City staff has prepared amendments to the Zoning Ordinance based upon the findings of a multi-year zoning study, and the review and input of the City's Energy and Environment Committee, the Zoning Taskforce, and the Planning Commission;

WHEREAS, the goal of such amendments is to provide clear regulations for the installation of solar energy systems for residential, commercial, and institutional properties, that ensures that such systems are consistent with the goals of the Comprehensive Plan and the Wayzata Energy Action Plan, and the character of the City;

WHEREAS, the Planning Commission reviewed such amendments and recommended their approval and adoption as detailed in the Report and Recommendation of the Planning Commission dated January 23, 2023;

WHEREAS, the City Council reviewed and discussed the Report and Recommendation of the Planning Commission at its meeting on February 7, 2023, and concurred with the findings of the Report and Recommendation, but with certain modifications to the proposed amendments related to uses in the Bluff District and with carport solar systems;

WHEREAS, the City Council directed staff to revise the proposed amendments as so discussed at the February 7, 2023 Council meeting, and bring the proposed amendments back to Council for further consideration; and

WHEREAS, staff has made such revisions and the City Council finds them consistent with its direction and the underlying findings of the Report and Recommendation of the Planning Commission.

NOW THEREFORE, THE CITY OF WAYZATA ORDAINS:

Section 1. Amendment to Section 902.02 of the Zoning Ordinance related to Definitions. The definition of "Solar Energy System." in Section 902.02 of the Zoning Ordinance (Part IX of City Code) is hereby deleted and replaced to read in its entirety as follows:

"Solar Energy Related"

A. **Building-integrated Solar Energy Systems** – A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

B. **Community Solar Garden** – A solar energy system that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, consistent with Minn. Statutes 216B.1641 or successor statute. A community solar garden may be either an accessory or a principal use.

C. **Ground-Mounted** – A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-Mounted systems can be either accessory or principal uses.

D. **Off-grid Solar Energy System** – A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

E. **Passive Solar Energy System** – A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

F. **Renewable Energy Easement, Solar Energy Easement** – An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land, as defined in Minn. Stat. 500.30 Subd. 3 or successor statute.

G. **Roof-Mounted** – A solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-Mount systems are accessory to the principal use.

H. **Roof Pitch** – The final exterior slope of a roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

I. **Solar Access** – Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

J. **Solar Carport** – A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. For the purpose of this definition, a carport is a covered structure that has one or more open sides, and that is used primarily for covering vehicles.

K. **Solar Collector** – The panel or device in a solar energy system that collects solar radiant energy and transforms it into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.

L. **Solar Energy** – Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

M. **Solar Energy System or Solar System** – A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

Section 2. Amendment to Section 909.10 of Zoning Ordinance Related to Design Standards for Rooftop Equipment. Section 909.10 of the Zoning Ordinance (Part IX of City Code) is hereby amended to read in its entirety as follows (~~struck~~ text deleted):

909.10 Rooftop Equipment Location and Screening.

A. **Lake Street and Bluff Districts.**

1. No mechanical equipment shall be located on the roof deck. All mechanical equipment

must be located either (i) in the building interior; or (ii) on grade, at the side or rear yard, and concealed from view.

B. **Wayzata Blvd District.**

1. Mechanical equipment items less than three feet in height and nine square feet in area may be located on the roof surface, provided: (i) the total roof area covered by such equipment is less than 25 percent of roof area; and (ii) the equipment is fully concealed by 42-inch parapets or compatible architectural elements.

2. All other mechanical equipment items must be located either (i) in the building interior; or (ii) on grade, at the side or rear yard, and concealed from view.

C. **All Districts.**

1. Any mechanical equipment required by these Standards to be located on grade shall be fully concealed using materials complimenting the proposed building design.

2. ~~Where allowed by the City Code, solar photovoltaic (PV) panels installed on flat roofs shall be installed on racks not exceeding two feet in height and surrounded by parapets at least three feet in height.~~

3. ~~Where allowed by the City Code, solar photovoltaic (PV) panels installed on decorative trellises or arbors shall be recessed at least 12 inches from the edge of the structure.~~

Section 3. Amendments to Zoning Ordinance to add new Chapter 938 on Solar Energy Systems. A new Chapter 938 is hereby added to the Zoning Ordinance (Part IX of City Code) to read in its entirety as follows:

CHAPTER 938 - SOLAR ENERGY SYSTEMS

938.1 - Purpose

The purpose of this Chapter is to provide a regulatory framework for the construction and installation of solar energy systems in Wayzata, subject to reasonable restrictions, for preserving the public health, safety, and welfare, and for maintaining the character of Wayzata.

938.2 - Applicability

Unless exempt under Sec. 938.05, the standards of this Chapter shall apply to all Solar Energy Systems in the City.

A. Lake Street Design District (as defined in Chapter 909). Solar Energy Systems are prohibited within the Lake Street Design District.

B. Areas Outside of Lake Street Design District. Solar Energy Systems are permitted in all areas of the City outside of the Lake Street Design District provided they comply with the provisions of this Chapter.

C. Bluff Street Design District (as defined in Chapter 909). Solar Energy Systems are permitted within the Bluff District only if (i) a Conditional Use Permit (CUP) is obtained for such use under the process and criteria of Chapter 904, or (ii) the Solar Energy System is a Roof-Mount system for a single-family or two-family residence.

D. Solar Carports. Solar Carports are prohibited in all areas of the City unless (i) a Conditional Use Permit (CUP) is obtained for such use under the process and criteria of Chapter 904, or (ii) the Solar Carport is a permitted accessory use for a single-family or two-family residence.

E. Ground-Mounted. Ground-Mounted systems are prohibited in all areas of the City unless (i) a Conditional Use Permit (CUP) is obtained for such use under the process and criteria of Chapter 904, or (ii) the Ground-Mounted system is a permitted accessory use for a single-family or two-family residence.

F. Community Solar Gardens. Community Solar Gardens are prohibited in all areas of the City.

938.3 - General Regulations

A. Height – The maximum height of a Solar Energy System shall be calculated using the highest point for which the solar panels are oriented.

1. Pitched Roofs. Solare Energy Systems mounted on pitched roofs that are visible from the nearest edge of the right-of-way, other than an alley, shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted and shall be no higher than one (1) foot above the roof.

2. Flat Roofs. Solar panels attached to a flat roof shall not exceed the maximum permitted zoning district height or variance approved height of the structure type by more than two (2) feet from the rooftop.

3. Ground-Mounted. Ground-Mounted systems shall not exceed ten (10) feet in any zoning district.

4. Solar Carport. Solar Carport systems shall not exceed sixteen (16) feet in any zoning district.

B. Setbacks

1. Ground-Mounted and Solar Carport. Ground-Mounted and Solar Carport systems must meet the applicable zoning district accessory structure setback requirements. Ground-Mounted solar systems may only be placed in the rear yard.

C. Impervious Surface/Lot Coverage.

1. All ground-mounted and Solar Carport energy systems will not be calculated towards the impervious surface if there is a pervious surface underneath the structure.

2. The ground-mounted and Solar Carport energy system shall be calculated towards the total lot coverage calculations.

3. The ground-mounted and Solar Carport systems shall not exceed the maximum impervious surface and lot coverage calculations in the applicable zoning district. The impervious surface and lot coverage shall be calculated at the minimum design tilt.

D. Design. The design of all Solar Energy Systems shall, to the extent reasonably possible, use materials, colors, textures, and favorable placement that will blend the facility into the natural setting and built environment.

E. Reflectors. All Solar Energy Systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

938.4 - Performance Standards.

A. Coverage. Roof-Mounted systems shall allow for roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted, as stated in the Building Code.

B. Utility connection. All grid integrated solar systems shall have an agreement with the local utility prior to the issuance of a building permit. A visible external disconnect must be provided if required by the utility. Off grid systems are exempt from this requirement.

C. Abandonment. If a solar energy system remains nonfunctional or inoperative for more than a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance as stated in Chapter 720. The owner shall remove the abandoned system at their expense. Removal shall include all components of the solar system, including related transmission equipment upon notice from the City.

D. Permit. No construction or installation of a solar energy system is allowed without first obtaining a permit in accordance with the Building Code.

938.5 - Exemptions

The following types of solar energy systems are exempt from the Applicability, General Regulations and Performance Standards of this Chapter:

A. Passive Solar Energy System and Building-integrated Solar Energy Systems, which shall be regulated as any other building element.

B. Solar Collectors less than one square foot in area and generally used for garden decoration, exterior accent lighting for residential homes, lawns, and flagpoles.

C. Solar Energy Systems installed by a government agency or utility company on light poles, signs, transit shelters or within public right-of-way that are under four (4) square feet in size.

Section 4. Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this 21st day of March 21, 2023.

Johanna Mouton
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading: March 7, 2023
Second Reading: March 21, 2023
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