

**CITY OF ST. FRANCIS
ST. FRANCIS MN
ANOKA COUNTY**

ORDINANCE 237, SECOND SERIES

**AN ORDINANCE TO AMEND REGULATIONS
ON SOLAR ENERGY SYSTEMS**

SUMMARY OF SECTIONS AMENDED, RENUMBERED, OR ADDED:

- *10-18-11 Solar Energy Systems*
- *10-18-12 Temporary Family Health Care Dwellings (renumbered)*
- *Section 29 Solar Energy Systems Added*
- *Section 30 marked as "Reserved"*

THE CITY OF SAINT FRANCIS ORDAINS:

Section 1. The City Council of the City of St. Francis hereby amends City Code Chapter 10 (Zoning), Section 18 (Accessory Buildings, Structures and Uses), as follows:

Existing sections 10-18-1 through 10-18-10 are restated and incorporated herein unchanged.

Existing section 10-18-11 is hereby deleted in its entirety.

Existing section 10-18-12 is hereby renumbered to 10-18-11.

Section 2. The City Council of the City of St. Francis hereby amends City Code Chapter 10 (Zoning) by adding a new Section 29 as follows:

SECTION 29

SOLAR ENERGY SYSTEMS

- A. Purpose and Intent:** The City of St. Francis finds that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts, but result in limited adverse impact on nearby properties. As such, the City supports the use of solar energy collection systems and the development of solar energy farms. The City resolves that the following standards shall be adopted to ensure that solar energy system and solar energy farms can be constructed within the City of St. Francis while also protecting public safety and natural resources.

- B. Applicability:** These requirements shall apply to all solar energy system and solar energy farms on properties and structures under the jurisdiction of the City of St. Francis Zoning. The City of St. Francis shall refer any application for a large electric power generating plant (LEPGP) to the Minnesota Public Utilities Commission (MN PUC) for approval. An LEPPG shall be defined as an energy system capable of producing more than 50 megawatts of power.
- C. Definitions:** The following words, terms and phrases , when used in this Section shall have the meaning provided herein, except where the context clearly indicates otherwise:
1. **Building or Other Architecturally-Integrated Solar Energy System:** An active 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 thermal solar systems that are contained within roofing materials, windows, skylights and awnings.
 2. **CSES:** Community Solar Energy System
 3. **CUP:** Conditional Use Permit
 4. **Community Solar Energy System (also called a “solar garden”):** A solar-electric (photovoltaic array 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 a solar energy system.
 5. **Ground Mounted Panels:** Freestanding solar panels mounted to the ground by use of racks or poles or similar apparatus
 6. **Ground Mounted Solar Energy System:** Systems which are accessory to and are designed to supply energy for a principal use.
 7. **Large Energy Power Generating Plant (LEPGP):** Any Solar Energy System capable of producing 50 megawatts or more of power
 8. **Large Energy Power Generating Plan (LEPGP):** Any Solar Energy System capable of producing 50 megawatts or more of power.
 9. **MN PUC:** The Minnesota Public Utilities Commission
 10. **Photovoltaic Systems:** An active solar energy system that converts solar energy directly into electricity.

11. **Roof or Building Mounted Solar Energy Systems:** A solar energy system that is mounted to the roof or building using brackets, stands or other apparatus.
12. **SES:** Solar Energy System
13. **Solar Collector:** A device, structure or a part of a device or structure that the principal purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy
14. **Solar Energy:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector
15. **Solar Energy System:** An active solar energy system that collects or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, thermal or chemical means.
16. **Solar Farm:** 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.
17. **Solar Garden:** A Community Solar Energy System
18. **Solar Hot Water System:** A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs.
19. **Solar Permit Supplement:** In addition to a Building permit, required for permit submission.

D. Types of Energy Systems

1. **Roof mounted or Architecturally-Integrated solar system:** Systems which are accessory to the principal land use, designed to supply energy for the principal use. Roof mounted or other architecturally-integrated systems shall be regulated as follows:
 - a) Rooftop or other architecturally-integrated systems are permitted accessory uses in all zoning districts in which buildings and structures are permitted.
 - b) The property owner or contractor shall complete a building permit and supplemental application and obtain approval prior to installation.

- c) Solar energy systems shall be harmonious with the architectural features of the structure in as much as possible.
- d) Commercial and industrial roof or other integrated systems: Shall be placed on the roof to limit visibility from the public right-of-way or to blend into the roof design in as much as possible while still allowing the owner to reasonably capture solar energy.
- e) Height: roof mounted Solar systems must not exceed the height maximum in the applicable zoning district for the structure on which it is mounted.
- f) Setbacks: roof mounted solar systems must comply with all structure setback requirements in the applicable zoning district, and must not extend behind the exterior perimeter of the structure on which the system is mounted.
- g) Roof mounted systems placed on the street facing front of any structure shall be flush-mounted systems.

2. Ground mounted solar energy systems: Ground Mounted systems shall be regulated as follows:

- a) Ground mounted systems are permitted accessory uses in all districts in which building and structures are permitted.
- b) The property owner or contractor shall complete a building permit and supplemental application and obtain approval prior to installation.
- c) Ground mounted systems are exempt from accessory structure number and area limitations except as provided herein.
- d) Heights: ground mounted solar energy systems must not exceed the height maximum in the applicable zoning district for an accessory structure for all possible orientations.
- e) Setbacks: ground mounted solar energy system must meet the setbacks required for an accessory structure in the applicable zoning district for all possible orientations.
- f) No ground mounted solar system shall cover or encompass more than ten percent (10%) of the gross lot size.

- 3. Community Solar Energy Systems (Solar Gardens/CSES):** Roof or ground mounted CSES's designed to supply energy for off-site users on the distribution grid (but not for export to the wholesale market or connection to the electric transmission grid) shall be considered a conditional use in all districts unless otherwise regulated or prohibited in this section:
- a) CSES's shall require a CUP.
 - b) CSES's shall be located on a contiguous or aggregate site area footprint of at least 5 acres in size (whether commonly owner/controlled or not-so owned or operated). The site area footprint size shall be computed by a determination of the Zoning Administrator.
 - c) Prohibited Districts: The City prohibits CSES's within the following districts:
 - 1. Residential and Commercial Zoning Districts
 - 2. Floodplain Districts
 - d) All CSES components must meet the setback, height and impervious surface limitations for the district in which the systems is located.
 - e) CSES's shall require a building permit and are subject to the accessory use standards for the district in which they are located.
- 4. Solar Farms:** Ground-mounted solar energy arrays which are the principal use on the property, that are designed for providing energy to off-site users or export to the wholesale market, shall be a permitted use in Agricultural districts, except as otherwise regulated or prohibited in this section. Solar farms shall be subject to the following:
- a) Solar farms which have a generating capacity of 50 megawatts or more of power shall fall under the jurisdiction of the Minnesota Public Utilities Commission.
 - b) Solar Farm Energy Systems generating less than 50 megawatts shall require a Conditional Use Permit.
 - c) Solar farms shall be located on a contiguous or aggregate site area footprint of at least 5 acres in size (whether commonly owner/controlled or not-so owned or operated). The site area footprint size shall be computed by a determination of the Zoning Administrator.
 - d) Prohibitions: the City prohibits community solar farms within:
 - 1. Floodplain Districts

- e) All Solar Farm components must meet the setback, height and impervious surface limitations for the district in which the system is located.
5. **Additional Standards:** In addition to the specific standards required for individual system types, the following standards shall apply to all Solar Energy Systems.
 6. **Compliance with Building Code:** All SES's shall require a building permit, shall be subject to approval of the City Zoning Administrator and Building Official, and shall be consistent with the State of Minnesota Building Code
 7. **Compliance with State Electric Code:** All photovoltaic systems shall comply with the Minnesota State Electrical Code
 8. **Compliance with State Plumbing Code:** Solar thermal systems shall comply with applicable Minnesota State Plumbing Code requirements.
 9. **Compliance with MN Energy Code:** All SES's shall comply with HVAC-related requirements of the Energy Code.
 10. **Utility Notification:** No grid-intertied photovoltaic system shall be installed until the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
 11. **Permitting Deadlines:** Solar Energy Systems must complete work outlined within the Building Permit within six (6) months of the date the Building Permit was issued. All requests for an extension to this deadline must be made prior to the deadline, and must be made in writing to the City Building Official. The City Building Official shall issue an extension within seven (7) days of receiving the request if the party making the request provides good cause, which shall be broadly interpreted, for the request.
 12. **Installation:** Installation of a solar systems shall not constitute a right to sunlight from any adjoining property, nor does the city assure access to sunlight.
 13. **Security and Equipment buildings:** Security and equipment building(s) on the site of solar farms shall be permitted uses accessory to the solar farm.
 14. **Landscaping:** Buffer screening from routine view of the public right-of-way and immediate adjacent residences shall be required in an attempt to minimize the visual impact of above grade site improvements and any extensive or imposing perimeter securing fencing that is proposed. Low lying screening, shrubbery or other native vegetation shall be required around site perimeter security fencing.

15. **Controlled Access:** The owner or operator shall contain all unenclosed electrical conducts located above ground within a structure (or structures) with controlled access.
16. **All CSES's and Solar Farm's – Power and communication lines:** All on-site power and communication lines running between banks of solar panels and buildings shall be buried underground on premise. The Zoning Administrator may grant exemptions to this requirement in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
17. **All CSES and Solar Farm - Decommissioning Plan:** A decommissioning plan with cost estimates shall be required to ensure that CSES's and Solar Farms are properly removed after their useful life. Decommissioning must occur within 180 days of abandonment, as defined in Section G. Five years after commencement of the use, the owner or operator shall post a bond, letter of credit, or establish an escrow account. This security shall be in an amount equal to the estimated decommissioning cost.
18. **Easements:** Solar energy systems shall not encroach on public drainage, utility, roadway, or trail easements.
19. **Glare:** No solar energy equipment or solar electric systems shall create or cause unreasonable glare on other property or public roadways. Unreasonable glare shall mean a public safety hazard as determined by the City Council or the appropriate roadway authority.

E. Conditional Use Permit (CUP) Requirements: In addition to the general requirements for a conditionally permitted use outlined in Zoning Code Chapter 6, the following requirements will also apply to solar energy system CUP applications.

1. **CUP's runs with the land:** A CUP may be terminated if the owner/operator violates the terms of the CUP; provided however that the Zoning Administrator send a written notice of violation to the owner/operator giving thirty (30) days to remedy the violation. In the event the event the owner/operator fails to remedy the violation, the Zoning Administrator may send written notice of CUP termination to the owner/operator.
2. **Conditional Use Permit Submittal Requirements:** A CUP application for Solar Energy System shall be accompanied by horizontal and vertical elevation drawings, drawn to scale. The drawings shall show the location of the system components on the property as well as other elements including but not limited to the following:
 - a) Existing features
 - b) Proposed features

- c) Property boundaries
- d) Property zoning designation(s) including district property line and roadway setbacks
- e) Solar arrays, connecting lines and all affiliated installations and structures
- f) Access points, drive aisles, security features and fencing
- g) Topography & surface water drainage patterns and treatment systems
- h) Wetlands, woodlands, grasslands and prairielands
- i) Existing and proposed/preserved/protected wildlife corridors (wetland/woodland/topography connectivity)
- j) Landscape plan, including required screening of site perimeter securing fencing
- k) Floodplains
- l) Soils
- m) Historical features
- n) Archeological features
- o) Wildlife and ecological habitat
- p) Environmental mitigation measures
- q) Description of project staging (if applicable)

F. Permit Modifications: Conditional Use Permits must be maintained consistent with the terms of their approval. Modification and amendments shall be processed and reviewed consistent with the terms of City Code

Section 3. The City Council of the City of St. Francis hereby amends City Code Chapter 10 (Zoning) by adding a new Section 30 as follows:

SECTION 30

(Reserved)

Section 4. Effective Date. This Ordinance shall take effect on the later of 30 days after its publication.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS
THIS 20th DAY OF FEBRUARY, 2018.

APPROVED:

Steven D. Feldman
Mayor of St. Francis

ATTEST:

Barbara I. Held
City Clerk