CITY OF ST. ANTHONY VILLAGE
STATE OF MINNESOTA

ORDINANCE NO. 2015-04

AN ORDINANCE AMENDING SECTION 152.008 DEFINITIONS AND §152.187 SOLAR ENERGY SYSTEMS TO UPDATE PROVISIONS PERTAINING TO SOLAR ENERGY SYSTEMS

The City Council of the City of Saint Anthony Village ordains as follows:

§152.008 DEFINITIONS.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM. 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 active photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights, and awnings, or passive systems that are designed to capture direct solar heat.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM. A solar energy system affixed to a principal or accessory building.

FLUSH MOUNTED SOLAR ENERGY SYSTEM. A solar energy system that is installed on the roof of a building in which the solar panels are parallel with the finished roof materials.

FREESTANDING SOLAR ENERGY SYSTEM. A solar energy system with a supporting framework that is placed on, or anchored in, the ground and that is independent of any building or other structure. Garages, carports or similar structures that incorporate building-integrated or building-mounted solar energy systems shall not be classified as freestanding solar energy systems and shall instead be subject to regulations governing accessory structures.

SOLAR COLLECTOR SURFACE. Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM. A device, set of devices, or structural design feature intended to provide for collection, storage, and distribution of solar energy for purposes including

heating or cooling buildings or other energy-using processes, electricity generating by means of any combination of collecting, transferring, solar-generated energy, or water heating.

§152.187 SOLAR ENERGY SYSTEMS

(A) *Purpose.* Regulations governing solar energy systems are established to provide for appropriate locations for solar energy systems, to ensure compatibility with surrounding uses, and to promote safe and effective use of solar energy to increase opportunities for generation of renewable energy. St. Anthony Village 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 impacts on nearby properties. As such, the City supports the use of solar energy systems.

(B) Permitted Uses and Specific Standards

(1) *In general.* Solar energy systems shall be permitted in those zoning districts where permitted as an accessory use, subject to the standards of this article. Solar collector surfaces and all mounting devices shall comply with the minimum yard requirements of the district in which they are located, unless otherwise specified herein. Screening of solar collector surfaces shall not be required, except as required in Section 152.187 (C) 1.

(2) *Building-mounted solar energy systems.*

(a) Zoning district standards.

(1) Residential zoning districts. Notwithstanding the height limitations of the zoning district, building mounted solar energy systems shall be constructed and maintained at or below the ridge level of a roof on a structure with a gable, hip, or gambrel roof as long and not visible from the nearest edge of the street frontage right-of-way other than an alley.

Building- mounted solar energy systems that are visible from the nearest edge of the street frontage right-of-way shall be flush-mounted and not have a highest finished pitch steeper than the roof pitch on which the system is mounted, and shall be no higher than twelve (12) inches above the roof surface. Solar energy systems on all accessory structures shall be flush-mounted, regardless of the location on the structure.

Building integrated solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setbacks, land use or performance standards for the district in which the building is located.

(2) Commercial, industrial and recreational open space (ROS) zoning districts. Notwithstanding the height limitations of the zoning district, building mounted solar energy systems shall be constructed and maintained at or below the ridge level of a roof on a structure with a gable, hip, or gambrel roof and shall not extend higher than ten (10) feet above the surface of the roof when installed on flat or shed roof.

(b) The solar collector surface and mounting devices for building-mounted solar energy systems shall be set back not less than one (1) foot from the exterior perimeter of a roof for every

one (1) foot that the system extends above the roof surface on which the system is mounted to ensure ready roof access in the event of a fire or other safety related occurrence whereby roof access is needed. Solar energy systems that extend less than one (1) foot above the roof surface shall be exempt from this provision, however shall be set back from the roof edge by a minimum of 1 foot.

(c) The collector surface and mounting devices for building-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

(d) Solar energy systems shall be designed to blend into the architecture of the building to the maximum extent practical. The color of the solar collector is not required to be consistent with the roofing materials.

(e) Building-mounted systems, excluding building-integrated systems, shall not cover more than 80% of the roof upon which the panels are mounted to ensure ready roof access in the event of a fire or other safety occurrence whereby roof access is needed.

(f) A conditional use permit is required for any solar installations in the commercial district, subject to the conditions and criteria for review in accordance with Section 154.243 (C) of the City Code.

(3) *Freestanding solar energy systems.*

(a) Freestanding solar energy systems, measured to the highest point of the system, shall not exceed ten (10) feet in height and shall meet double the minimum setback requirements of an accessory structure as outlined in §152.176, as measured from the outermost perimeter of the solar panel to the property line. Freestanding solar energy systems are only permitted in rear yards.

(b) In all residential districts, the area of the solar collector surface of freestanding solar energy systems shall not exceed three (3) percent of the lot area. In all other districts, the area of the solar collector surface of freestanding solar energy systems shall not exceed five (5) percent of the lot area. Notwithstanding any other provision to the contrary, the maximum area of solar energy systems shall be calculated independently of the floor area of all other accessory structures on the zoning lot.

(c) The supporting framework for freestanding solar energy systems shall not include unfinished lumber.

(4) *Lightpole mounted solar energy systems.*

(a) Any solar installation on a light pole shall require the issuance of a conditional use permit, and shall take into account the surrounding land uses, the proposed visual impact, and the structural integrity relative to size and height of the proposed solar installation. No lightpole mounted solar installation shall exceed 3 square feet in size.

(C) Design and Performance Standards. In addition to the standards required above, the following standards shall apply to all solar energy systems.

(1) *Compatibility with nearby properties.* The visual impact of rooftop equipment on nearby properties shall be minimized through such means as location on the roof, flush-mounting to the roof, screening, or other integration into the roof design. Screening shall be of durable permanent materials that are compatible with the primary building materials. Screening shall be done to the extent possible without reducing the systems efficiency.

(2) *Feeder lines.* Any lines accompanying a solar energy systems, other than those attached to on-site structures by leads, shall be buried within the interior of the subject parcel, unless there are existing lines in the area which the lines accompanying a solar energy system can be attached. 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.

(3) *Maintenance.* Solar energy systems shall be kept in good repair and free from damaged supports, mounts, framework, or other components.

(4) *Abandonment.* A solar energy system that is allowed to remain in a nonfunctional or inoperative state for a period of twelve (12) consecutive months, and which is not brought in operation within the time specified by the City shall be presumed abandoned and may be declared a public nuisance subject to removal at the expense of the operator.

(5) *Compliance.* All solar energy systems shall be designed, constructed, and operated in compliance with any applicable federal, state, and local laws, codes, standards, and ordinances, as well as adhere to the requirements of local utilities if connected to utility lines, including, but not limited to the State of Minnesota Building Code, Minnesota State Electric Code, and Minnesota State Plumbing Code.

(6) *Interference.* Solar energy systems shall be designed to not cause electrical, radio frequency, television, and other communication signal interference.

(7) *Installation.* Solar energy systems shall require the issuance of a building permit.

.(8) The structure upon which the solar energy system is mounted shall have the structural integrity to carry the weight of the solar energy system. Proof of structural integrity shall be submitted to the satisfaction of the building inspector

(D) Administrative Review Process

(1) *In general.* Applications that meet the design requirements of this policy shall be granted administrative approval by the Zoning Administrator or other Authorized Agent. Plan approval does not indicate compliance with Building Code or Electric Code. All systems shall comply with the Minnesota State Building and Electric Code.

(2) *Submittal requirements.* An application for a solar energy system shall be filed on a form provided by the City. In addition, the applicant shall submit the following:

(a) Plan application for solar energy systems shall be accompanied by scaled horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building, or on the property for a ground-mounted system, including the property lines.

1. For all building-mounted systems other than a flat roof the elevation drawings shall show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

2. For flat-building-building systems a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

(b) Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install a solar energy system, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.

(c) Written evidence that the electric solar energy system components have a UL listing.

(E) *Solar access.* Solar access easements may be filed consistent with Minn. Statute Section §500.30 as may be amended from time to time. Any property owner may purchase an easement across nearby properties to protect access to sunlight. The easement is purchased or granted by owners of nearby properties and can apply to buildings, trees, or other structures that would diminish solar access.

(F) *Legal, non-conformities.* Solar energy systems in existence prior to adoption of this ordinance shall be permitted to exist and be repaired in their current form. However, any changes, expansions, or upgrades in the solar energy system, that would require a building permit, shall necessitate conformance with this section.

§152.038 Accessory Uses (R-1 District)

Subject to the provisions of §152.175 through §152.186, the following accessory uses are permitted in the R-1 District:

(I) Solar energy systems, subject to the provisions of §152.187

§152.103 Accessory Uses (R1-A District)

Subject to the provisions of §152.175 through §152.186, the following accessory uses are permitted in the R1-A District:

(F) Solar energy systems, subject to the provisions of §152.187

§152.122 Conditional Uses (Commercial District)

Subject to the provisions of §152.175 through §152.186, the following conditional uses are permitted in the C District:

(Z) Solar energy systems, subject to the provisions of §152.187

Section Three. Findings for Amending the City of Saint Anthony Village City Code by Amending Sections 152.008 and Section 152.187. In amending the City of Saint Anthony Village City Code by amending Sections 152.008 and Section 152.187 relating to the regulations of solar energy systems, the City Council of the City of Saint Anthony Village finds that the amendment is required for the public good; is in the interest of public health, safety and welfare; and is compatible with the City's Comprehensive Plan.

Section Four. Effective Date. This Ordinance amendment shall be in full force and effect upon its publication as provided by law.

Passed in regular session of the City Council on July 14th, 2015.

CITY OF SAINT ANTHONY VILLAGE

By:_____
Jerome O. Faust, Mayor

ATTEST:

By:_____
Nicole Miller, City Clerk

First Reading-June 9, 2015
Second Reading-June 23, 2015
Adopted-July 14, 2015

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