

City of Independence

Consideration of a Text Amendment to the Zoning Ordinance to Consider Allowing Solar Energy Systems in the City

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: April 19, 2016

Request:

A proposed text amendment to the City of Independence Ordinances as follows:

- Chapter 5, Sections 510 and 530;
 - a. Consideration of the establishment of regulations pertaining to solar systems

Discussion:

At the last Planning Commission Meeting staff presented information pertaining to decision points that could be considered by the City in adopting a solar energy ordinance. Commissioners spoke in favor of moving forward with an ordinance that addresses solar energy systems in Independence. Commissioners discussed the general types of solar energy systems and how they relate to land uses and design standards. Commissioners were presented with public input relating primarily to where and what type of systems should be considered by the City.

Staff prepared a table that could ultimately stipulate what types of solar energy systems would be permitted in various zoning districts. It was discussed that Commissioners would fill in the chart for discussion at our next meeting. The City will need to make a determination of what types of systems are permitted in each of the various zoning districts and then whether or not they are permitted, accessory, conditional or interim uses. The City will additionally need to determine what standards should be established for each type of solar energy system.

Type of Use	Zoning Districts				
	AG-Agriculture	RR-Rural Residential	UR-Urban Residential	CLI-Commercial - Light Industrial	UC-Urban Commercial
Community Solar Garden					
Building Integrated Solar Energy System					
Ground Mounted Solar Energy System					
Solar Farm					

P - Permitted
A - Accessory
C - Conditional
I - Interim

To aid in the discussion of what type and where solar energy systems should be considered, staff has summarized several of the ordinances from surrounding cities. The summarization focuses on a few key ordinance attributes.

1. Does the ordinance specifically define community solar gardens?
2. What types of systems are permitted and in what zoning districts.
3. Are there setback requirements.
4. Are there height limitations.
5. Are there screening requirements.
6. Is there a minimum lot size.
7. Is there a maximum solar energy system size.

In further reviewing a wide array of ordinances, it was found that generally solar energy systems are broken into two categories. The categories are structure/roof mounted and ground mounted/free standing. Generally, it was found that structure/roof mounted systems are permitted or accessory uses in most zoning districts. There are some standards which have been applied in various ordinances which further stipulate maximum height, setbacks from the edge of a roof and maximum angle above roof. Free standing or ground mounted systems generally require a conditional use permit and are more limited to certain or specified zoning districts. The standards for these types of systems tend to vary more than for roof or structure mounted systems. Where larger systems are contemplated, setbacks, screening requirements and separation are typically regulated. The following summarizes a variety of typical solar ordinances.

Medina

Definition of Community Solar Garden – NO

Structure/Roof Mounted

- Permitted in all zoning districts.
- Height is limited to no more than 5 feet above finished roof.
- Cannot exceed 5% steeper pitch than roof.

Ground Mounted/Free Standing

- Permitted only in Business and Industrial Park Zoning districts.
- Conditional use in specified residential zoning districts.
- Counts towards total lot impervious surface coverage.
- Height is limited to 20 feet.
- Limited to 20% of lot area.
- 300 foot setback from residential properties.
- 100 foot minimum setback.
- 5 acre minimum parcel size.
- 1,000 foot maximum area of solar system.
- Screening can be required, but not stipulated.

Orono

Definition of Community Solar Garden – NO

Structure/Roof Mounted

- Permitted in all zoning districts.
- Height is limited to building height limitations.
- Cannot be greater than 3 feet off of roof and flush mounted.

Ground Mounted/Free Standing

- Not permitted in any Zoning Districts.

Minnetrista

Definition of Community Solar Garden – NO

Structure/Roof Mounted

- Permitted as an accessory use (must have a principle use) in all districts where structures are permitted.
- Height is limited to accessory structure height limitations.

Ground Mounted/Free Standing

- Conditional use in all zoning districts
- Must have a principle use.
- Screening required, but not stipulated.
- Setbacks consistent with accessory structure setbacks.

St. Michael

Definition of Community Solar Garden – YES

Structure/Roof Mounted

- Permitted as an accessory use in all districts.
- Height is limited to building height limitations.
- accessory structure height limitations.

Ground Mounted/Free Standing

- Permitted as an accessory use with the exception of Community Solar Gardens which are an interim use.
- Maximum height of 10 feet.
- Community Solar Gardens:
 - a. Can only be located on property that is guided agriculture or landfill in Comprehensive Plan.
 - b. ¼ mile setback from other community solar gardens.
 - c. 100 foot setback from residential structures.
 - d. Requires landscape screening
 - e. 15 foot maximum height
 - f. Payment in lieu of taxes provision.

In addition to discussing the land use table, staff asked the applicant to provide additional information relating to the selection criteria for identifying community solar garden sites. The applicant provided the City with the following information:

When evaluating potential sites early last year, our analysis turned up only nine parcels within Independence's corporate limits that we found suitable for solar development.

- *At least 40 developable acres*
- *Relatively flat, open (free of trees), and dry (no or minimal wetlands)*
- *Within approximately 2 miles of an Xcel substation (see attached map showing 2-mile buffers around each of the three Xcel substations in the area surrounding Independence)*
- *Adjacent to an Xcel three-phase distribution line*
- *Located within Xcel territory*

Form this information it can be seen that there may be some limitation to the number of eligible parcels that could accommodate a community solar garden in the City. More discussion relating to this idea that not all parcels in the City meet the base requirements may be necessary depending on the land use discussion.

Recommendation:

Staff is seeking discussion and direction from the Planning Commission and City Council for the requested Text Amendment.

Attachments:

1. Qualifying Criteria Map.

