

**CITY OF ST. MICHAEL  
WRIGHT COUNTY, MINNESOTA  
ORDINANCE NO. 1507**

**AN ORDINANCE AMENDING SECTION 155.073 OF THE ST. MICHAEL CODE TO ADD DEFINITIONS FOR SOLAR ENERGY SYSTEMS, AND ADD COMMUNITY SOLAR GARDEN AS AN INTERIM USE WITH CONDITIONS IN THE A-1, GENERAL AGRICULTURE ZONING DISTRICT, AND AMENDING SECTION 155.105 OF THE ST. MICHAEL CODE BY ADDING COMMUNITY SOLAR GARDEN TO THE TABLE OF USES.**

THE CITY COUNCIL OF THE CITY OF ST. MICHAEL HEREBY ORDAINS:

**SECTION 1.** Section 155.073(A) of the St. Michael Code is hereby amended to read as follows:

**§155.073 SOLAR ENERGY SYSTEMS**

(A) Definitions. The following definitions apply to this section:

**Community Solar Garden** – A community solar energy system that generates electricity by means of a ground-mounted or building-integrated solar energy system and that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing or located off-site from the location of the solar energy system in accordance with the requirements of Minnesota Statutes 216B.1641 or successor statute. A community solar garden may be either a principal or accessory use.

**Solar Energy System** - A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

**Solar Energy System, Building Integrated** - 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, examples of which are roofing materials, windows, skylights, and awnings.

**Solar Energy System, Ground-Mounted** – A freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

**SECTION 2.** Section 155.073(B) of the St. Michael Code is hereby amended to read as follows:

(B) Permitted Accessory Use – A solar energy system that is not a Community Solar Garden shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to the requirements set forth below.

(1) Height – A solar energy system must comply with the following height requirements:

(a) A building- or roof- mounted solar energy system shall not exceed the maximum allowed height for the zoning district in which the system is located.

(b) A ground- or pole-mounted solar energy system shall not exceed 10 feet in height when oriented at maximum tilt.

(2) Setbacks and yard requirements – A solar energy system must comply with the accessory structure setbacks for the zoning district in which the system is located.

(a) Roof-mounted solar energy system - In addition to the building setback requirement, the collector surface and mounting devices for each roof-mounted solar energy system shall be set back from the edge of the roof of the structure upon which the system is located a minimum of one (1) foot. Non-residential properties shall set back a solar energy system such additional distance from the edge of the roof of the structure upon which the system is located as required by the Building Official. Exterior piping for a solar hot water system may extend beyond the perimeter of the building on a side or rear yard exposure.

(b) A ground- or pole-mounted solar energy system must be located in the rear yard and may not extend into the setbacks when oriented at minimum design tilt.

(3) Visibility – A solar energy system shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. A roof-mounted building-integrated solar energy system must occupy the entire field of the roof section.

(a) Building Integrated Solar Energy System – A building-integrated solar energy system is permitted regardless of whether the system is visible from the public right-of-way if the building component into which the system is integrated meets all required setback, land use or performance standards for the zoning district in which the building is located.

(b) Solar Energy System with Mounting Devices – A roof-mounted solar energy system shall not have a highest finished pitch more than five (5) percent steeper than the roof pitch on which the system is mounted, and shall be no higher than twelve (12) inches above the roof.

(4) Coverage – A roof or building mounted solar energy system, excluding a building-integrated solar energy system, shall not cover more than 80% of any field of the roof

upon which the system is mounted, and shall be set back from the edge of the roof of the structure upon which the system is located as required by the Building Official. The surface area of a pole or ground mount system shall not exceed the requirements set forth in the following table:

Lot Size (acre)	Maximum Surface Area
Less than 1	400 s.f.
1.00-1.99	600 s.f.
2.0 or greater	800 s.f.

(5) Plan Approval Required

(a) No solar energy system may be installed without prior written approval by the Zoning Administrator.

(b) Plan Application – A plan application for a solar energy system shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building for a roof mounted system or the location of the system upon the property for a ground-mount system, including the property lines.

1. Pitched Roof-Mounted Solar Energy System – The drawings for a roof-mounted system upon a pitched roof must show the elevation of the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

2. Flat Roof-Mounted Solar Energy System - The drawings for a roof-mounted system upon a flat roof must show 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.

(6) Compliance with Other Codes - All solar energy systems shall comply with requirements imposed by the City Building Official and with requirements set forth in the Minnesota State Electrical Code.

(7) Utility Notification - No solar energy system shall be installed until written evidence has been given to the Zoning Administrator establishing that the owner of the property upon which the system is located has notified the utility company of the intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

(8) Abandonment. A ground-or pole-mounted solar energy system shall be considered abandoned after one (1) year without energy production. A solar energy system and its related accessory facilities shall be removed within 60 days after written notice by the City that the solar energy system has been deemed abandoned.

**SECTION 3.** Section 155.073(C) is hereby amended to read as follows:

(C) Interim Use – a Community Solar Garden may be allowed as in interim use in the A-1, General Agriculture Zoning District in accordance with the procedures and regulations set forth in §155.441, provided that:

(1) Location: The Community Solar Garden must be located on property designated Agriculture in the Comprehensive Plan, or a majority of the property must be contiguous to property designated Closed Landfill in the Comprehensive Plan.

(2) Duration: The maximum duration of the Interim Use is 30 years.

(3) Size: The maximum size Community Solar Garden system, or group of systems, is 5 mW (megawatts).

(4) Setbacks: All above-ground equipment or structures must meet minimum principal building setbacks as measured from the closest point at maximum orientation, and must be setback a minimum of 100 feet from an existing residential structure. Interior lot line setbacks may be waived at the City's sole discretion if a Community Solar Garden is proposed over multiple properties.

(5) Height: Community Solar Gardens may not exceed 15 feet in height at maximum design tilt.

(6) Proximity: A Community Solar Garden shall not be located closer than 2,640 feet (½ mile) to any other Community Solar Garden.

(7) Glare: All solar panels shall be designed and located to prevent reflective glare toward any inhabited buildings on adjacent properties, as well as adjacent public roadways.

(8) Landscaping: Vegetative landscape screening shall be provided around the perimeter of the Community Solar Garden consistent with § 155.031(F) of this Code, except where topography, existing vegetation, or other factors provide sufficient screening to adjacent properties as determined solely by the City.

(9) Storm Water: Community Solar Gardens must comply with Chapter 152 of the City Code. Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted with and maintained in perennial vegetation to prevent erosion, manage run off and build soil. Seeds shall include a mix of grasses and wildflowers native to the region of the project site.

(10) Utilities: All power and communication lines not existing at the time of submitting an application, whether constructed on the property or extending beyond the property as necessary to service the Community Solar Garden or connect to the distribution utility, shall be buried underground unless otherwise approved by City.

(11) Storage: There shall be no outdoor storage of any parts, supplies, or unused equipment.

(12) Easement Dedications: The property owner shall dedicate to the City permanent road, drainage and utility, and trail easements as determined by the City consistent with the City's Comprehensive Plans, including, but not limited to, the Land Use, Park, Trail & Open Space, Sanitary Sewer, Water, Stormwater, and other plans as may be adopted or amended from time to time.

(13) Waiver of Assessment: The property owner shall sign a waiver of assessment in form and with content approved by the City and recorded at Wright County such that if a public improvement project is constructed adjacent to a Community Solar Garden, the City shall have the right to assess said costs regardless of the benefit to the property owner or the Community Solar Garden.

(14) Submittals: In addition to all other submittal requirements, the application shall include specifications and plans for all major planned equipment, including panels, poles, and racking systems.

(15) Utility Notification: No building permit shall be issued, or any installation started, for a Community Solar Garden until evidence has been submitted that establishes, as determined by City, that the owner has received approval from the utility distribution company.

(16) Decommissioning: A decommissioning plan shall be required to ensure that all equipment, including panels, poles and racking systems, are properly removed in the event they are not in use for twelve (12) consecutive months or by the end of the Interim Use Permit. The plan shall include provisions for removal of all structures, foundations, and utilities, restoration of soil and vegetation, and a financial plan showing how applicant will finance said removal. A minimum \$5,000 cash escrow in addition to a letter of credit consistent with City policy in an amount determined by the City Council necessary to ensure proper decommissioning shall be filed with the City.

(17) Payment In Lieu of Taxes: Notwithstanding that Minnesota Statutes Section 272.02, Subdivision 24 (or its successor) classifies real property upon which a solar energy generating system is located that is used primarily for solar energy production (subject to the production tax under Minnesota Statutes Section 272.0295) as class 3a, the Applicant shall agree to a minimum tax payment or Payment In Lieu of Taxes Agreement to compensate the City for any prospective tax revenue that may be lost due to such reclassification or as a result of any ownership status.

**SECTION 4.** Section 155.105 of the St. Michael Code is hereby amended to add Community Solar Garden as an interim use under the Agricultural Uses section of the Table of Uses between Agriculture and Feedlot-Commercial as follows:

AGRICULTURAL USES												
Agriculture <sup>1</sup>	P	P	P	P								
Community Solar Garden	I											\$155.073
Feedlot – commercial	C	C										

This Ordinance shall take effect upon its passage and publication according to law.

**CITY OF ST. MICHAEL, MINNESOTA**

By: \_\_\_\_\_

Mayor

ATTEST:

By: \_\_\_\_\_

City Clerk