



EXECUTIVE SUMMARY

PLANNING COMMISSION

City Council Meeting Date: March 4, 2014

AGENDA ITEM: Case 13-27-TA Zoning Ordinance Text Amendment for Alternative Energy Systems	AGENDA SECTION: CONSENT
PREPARED BY: Jason Lindahl, AICP Planner	AGENDA NO. 6.K.
ATTACHMENTS: Excerpt Minutes from 10/1/13, 9/3/13 & 2/18/14 CC, 6-25-13 & 7-23-13 PC, Ordinance Amendments, Resolution	APPROVED BY: DJ
RECOMMENDED ACTION: Staff recommends the City Council adopt the following two motions: 1. Motion to approve an ordinance amending the Rosemount Zoning Ordinance B Relating to Solar Collectors. 2. Motion to adopt a Resolution authorizing publication of a summary of Ordinance No. B-229 amending Ordinance B, the Zoning Ordinance related to Solar Collectors.	

SUMMARY

The Planning Commission and staff recommend approval of the attached ordinance amending Section 11-2-5 of the City Code related to solar energy systems. The Council last reviewed this item during the February 18, 2014 meeting with discussion focusing on height and screening standards. Ultimately the Council directed staff to revise the ordinance language to exempt non-residential uses in residential zoning districts and all commercial properties from the height standards for rooftop equipment. However, the ordinance more clearly references the same screening requirements as rooftop equipment for those non-residential uses with rooftop solar. The attached ordinance includes those changes. Should the City Council approve this amendment it will do the following:

1. Define a clear purpose and intent for alternative energy systems standards based on the Comprehensive Plan and provide a clear regulatory process for reviewing these systems.
2. Create specific definitions related to solar energy systems.
3. Establish consistent performance standards focused on specific criteria including: uses, location, height, aesthetics, screening, coverage, compliance with other codes, certifications, abandonment, and deviations.

CITY COUNCIL ACTION

The City Council reviewed this item during the September 3, 2013, October 1, 2013 and February 18, 2014 meetings. Excerpt minutes from those meetings are attached for your reference. During the September meeting the Council requested additional information about the basis for the proposed ordinance and the screening and setbacks solar standards for neighboring communities. During the October meeting the Council reviewed this information and reiterated their concerns with the proposed screening standards especially for facilities located on the east side of town and outside the Metropolitan Urban Service Area (MUSA). The Council then asked staff to research the

requirements for the Wright-Hennepin Cooperative solar facility in Rockford. The Council reviewed this information during the February 18, 2014 meeting and had further discussion regarding the proposed height and screening standards. In the end, the Council directed staff to revise the ordinance language to exempt from the height standards but requiring screening for roof-top roof-mounted solar energy systems located in non-residential districts or on non-residential uses.

PLANNING COMMISSION ACTION

The Planning Commission reviewed this item during both their June 25th and July 23rd meetings. Excerpt minutes from both meetings are attached for your reference. At the June meeting staff explained the rationale for updating the solar energy system standards, the City's current standards, and potential changes to those standards. After some discussion, the Commission directed staff to prepare a draft ordinance updating the City's solar energy system standards for review at the July meeting. During the July meeting the Commission reviewed the draft ordinance and held a public hearing that produced no comments. The Commission direct staff to clarify the height standard related to the distance between the top of a roof-mounted solar panel and the roof, exempt residential properties from screening requirements, make clearer that Community Solar Gardens and Solar Farms require an interim use permit (IUP), and specify that all power lines connecting the solar energy system to the electrical grid must be placed underground (the attached ordinance includes these changes). The Commission then approved a motion to recommend the City Council approve a zoning ordinance text amendment related to alternative energy systems.

ISSUE ANALYSIS

Legal Authority. Zoning ordinance amendments are legislative actions in that the City is creating new standards to regulate the development of certain types of structures or use. Under the law, the City has wide flexibility to create standards that will insure the type of development it desires. However, decisions made under a legislative action must still be constitutional, rational and related to protecting the health, safety and welfare of the public. The proposed ordinance includes three subsections: Purpose and Intent, Definitions, and Solar Energy Systems Standards.

Purpose and Intent. This section defines the scope of the proposed ordinance amendment, establishes a rationale for the standards based on the comprehensive plan and City Council goals, and outlines four specific purpose statements.

Definitions. This section provides specific definitions for types and components of solar energy systems (photovoltaic, thermal, active, passive, roof-mounted, ground-mounted, etc.).

Solar Energy Systems Standards. The standards section contains specific performance criteria for solar energy systems. To insure compatibility with surrounding structures, these standards are based on the zoning standards of the underlying zoning district.

- **Exemptions.** This section releases both passive and building integrated solar energy systems from the standards of this ordinance based on the findings that these are site design principals or building components commonly part of other buildings.
- **Uses.** This section allows roof-mounted solar energy systems as an accessory use in all districts and ground-mounted systems as an accessory use in the agricultural, rural residential, public and institutional, and industrial districts. Community solar gardens or solar farms are also allowed as an interim use in the agricultural, public and institutional and industrial districts outside the Metropolitan Urban Service Area (MUSA). Pictures of solar farms at the University of Minnesota – Morris and St. John's University are attached.

- **Height.** This section establishes specific height standards for both roof-mounted and ground mounted solar energy systems. Roof-mounted systems must comply with the height standard of the applicable zoning district except that the highest pitch of a solar panel on any residential use shall not project more than three (3) feet above the roof upon which it is mounted. Ground Mounted solar energy systems are limited to fifteen (15) feet in height.
- **Aesthetics and Screening.** These sections require solar energy systems to be designed to blend into the architecture of a building. Screening from the public right-of-way is also required for all ground-mounted systems or roof-mounted systems located in non-residential districts or on non-residential uses in residential zoning districts to the extent possible without reducing their efficiency. The screening language is consistent with the screening for roof-mounted mechanical equipment.
- **Coverage.** This section limits roof-mounted systems to 80 percent of the south facing roof and ground-mounted systems to the maximum lot coverage of the applicable zoning district.
- **Setbacks.** This section requires all solar energy systems to comply with the setback standards for the zoning district and structure type on which they are located. These standards are detailed in the table below. As noted above, solar energy systems (roof-mounted, ground-mounted, community solar gardens or solar farms) shall conform to the applicable setback standards and structure type on which they are located. The City’s existing regulations allow roof-mounted solar energy systems to encroach up to a two and one-half (2.5) feet into these setbacks similar to other structural elements like chimney’s, bay windows, and eaves or cutters.

Setback Standards for Solar Energy Systems by Zoning District						
Zoning District	Front Yard		Side Yard		Rear Yard	
	Principal	Accessory	Principal	Accessory	Principal	Accessory
Agricultural	30'	50'	30'	30'	30'	30'
Ag. Preserve	30'	50'	30'	30'	30'	30'
Rural Res.	40'	40'	30'	30'	30'	30'
Residential	30'	30'	10'/5'	10'/5'	30'/10'	30'/10'
Public & Institutional	30'	30'	30'	30'	30'	30'
Downtown	0'	0'	0'	0'	0'	0'
C-1, C-3, C-4	30'	30'	10'	10'	10'	10'
Business Park	30'	30'	10'	10'	10'	10'
Light Industrial	30'	30'	10'	10'	10'	10'
General Industrial	75'	75'	50'	50'	50'	50'
Heavy Industrial	Based on size and height of structure with minimum 75' setback					

- **Feeder Lines.** This section requires electric lines within the interior of a property with a solar energy system to be placed underground.
- **Compliance with Other Codes.** These sections require solar energy systems to comply with the building, electrical and plumbing codes.
- **Certifications.** This section calls for all solar energy systems to be certified by the appropriate authorizing agency.

- **Utility Connection.** This section requires all grid connected systems to have an agreement with the local utility company prior to the city issuing a permit and to provide an external disconnect if required by the utility company.
- **Abandonment.** This section requires any system that remains inoperable for more than one year to be removed at the owner's expense.
- **Permit.** This section requires a building permit, or conditional use permit if necessary, prior to installation of a solar energy system.
- **Deviations.** This section establishes that the City's preferred process to address deviations from these standards would be through a variance.

CONCLUSION & RECOMMENDATION

The Planning Commission and staff recommend approval of the attached ordinance related to solar energy systems. This ordinance creates definitions, performance standards and a clear purpose and intent statement for solar energy systems.

**City of Rosemount
Ordinance No. B- 230**

**AN ORDINANCE AMENDING THE
CITY OF ROSEMOUNT ZONING ORDINANCE B
RELATING TO SOLAR COLLECTORS WITH SCREENING STANDARDS**

THE CITY COUNCIL OF THE CITY OF ROSEMOUNT, MINNESOTA, ORDAINS that Ordinance B, adopted September 19, 1989, entitled "City of Rosemount Zoning Ordinance," is hereby amended as follows:

Section 1. Rosemount Zoning Ordinance B, Section 11-2-12: ~~Satellite Dishes and Solar Collectors~~ is hereby amended as follows:

~~Section 11-2-12: Satellite dishes and solar collectors shall be permitted in all districts and subject to the setback requirements in subsection 11-5-2C1 of this title. (Ord. B-33, 10-19-1993)~~ Alternative Energy Systems.

A. Purpose and Intent: It is the goal of the city council, as expressed in the Comprehensive Plan, for Rosemount to become a more sustainable community by encouraging activities that conserve energy and result in less/no pollution output such as alternative energy sources. In accordance with that goal, the city finds that it is in the public interest to encourage alternative energy systems that have a positive impact on energy production and conservation while not having an adverse impact on the community. Therefore, the purposes of this ordinance include:

1. To promote rather than restrict development of alternative energy sources by removing regulatory barriers and creating a clear regulatory path for approving alternative energy systems.
2. To create a livable community where development incorporates sustainable design elements such as resource and energy conservation and use of renewable energy.
3. To protect and enhance air quality, limit the effects of climate change and decrease use of fossil fuels.
4. To encourage alternative energy development in locations where the technology is viable and environmental, economic and social impacts can be mitigated.

B. Definitions. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section:

ALTERNATIVE ENERGY SYSTEM: A ground source heat pump, wind or solar energy system.

COMMUNITY 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 the solar energy system, under the provisions of Minn. Statutes 216B.1641 or successor statute.

PHOTOVOLTAIC SYSTEM: An active solar energy system that converts solar energy directly into electricity.

SOLAR COLLECTOR: A device, structure or a part of a device or structure for which the primary purpose is to capture sunlight and transform it into thermal, mechanical, chemical, or electrical energy.

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 or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

SOLAR ENERGY SYSTEM, ACTIVE: A solar energy system whose primary purpose is to harvest energy by transferring solar energy into another form of energy or transferring heat from a solar collector to another medium using mechanical, electrical, or chemical means.

SOLAR ENERGY SYSTEM, BUILDING-INTEGRATED: A solar energy system that is an integral part of a principle or accessory building, 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 or substitute for roofing materials, windows, skylights, awnings and shade devices.

SOLAR ENERGY SYSTEM, ROOF-MOUNTED: a solar energy system mounted directly or abutting the roof of a principal or accessory building.

SOLAR ENERGY SYSTEM, GRID-INTERTIE: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

SOLAR ENERGY SYSTEM, OFF-GRID: 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.

SOLAR ENERGY SYSTEM, GROUND-MOUNT: A freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

SOLAR ENERGY SYSTEM, PASSIVE: A system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

SOLAR FARM: A commercial facility that converts sunlight into electricity, whether by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology, for the principal purpose of wholesale sales of generated electricity.

SOLAR HOT WATER SYSTEM (ALSO THERMAL 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, including residential domestic hot water and hot water for commercial processes.

SOLAR RESOURCE: A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard Time on any day of the year.

- C. Solar Energy Systems: The following standards apply to solar energy systems, subject to standards of the applicable zoning district in which they are located.
1. Exemptions. Passive or building integrated solar energy systems are exempt from the requirements of this section and shall be regulated as any other building element.
 2. Uses. Roof-mounted solar energy systems are an accessory use in all districts. Ground-mounted solar energy systems are an accessory use in the Agricultural, Residential, PI – Public and Institutional, and Industrial districts. Community Solar Gardens or Solar Farms as defined in this section are an interim use in the following zoning district outside the Metropolitan Urban Service Area (MUSA): AG – Agricultural, PI – Public and Institutional, LI – Light Industrial, GI – General Industrial and HI – Heavy Industrial.
 3. Setbacks. Roof-mounted solar energy systems shall comply with the setbacks requirement for the applicable zoning district and structure type (principal or accessory) on which they mounted and may encroach those setbacks per Section 11-5-2.C.1.a (Special Structural Elements). Ground-mounted solar energy systems shall comply with the accessory structure setback standards for the applicable zoning district in which they are located. Community solar gardens or solar farms shall comply with the principal structure setback standards for the applicable zoning district in which they are located
 4. Height. Roof-mount solar energy systems shall comply with the height standards of the applicable zoning district. Roof-mounted solar energy systems may be mounted at an angle to the roof to improve their efficiency; however, the highest point of a solar panel in any residential district shall not be more than three (3) feet, measured in a straight line, above the roof upon which the panel is mounted. This three (3) foot height limitation does not apply to roof-mounted solar energy systems located in non-residential districts or on non-residential uses. Ground-mounted solar energy systems shall not exceed 15 feet in height.
 5. Aesthetics. Roof-mounted solar energy systems shall be designed to blend into the architecture of the building, provided that design considerations shall not diminish energy production. The color of the solar collector is not required to be consistent with other roofing materials. Reflection angles from collector surfaces shall be oriented away from neighboring windows. Where necessary, screening may be required to address glare.
 6. Screening. Roof-mounted solar energy systems located in non-residential districts or on non-residential uses shall be screened in accordance with the requirements of Section 11-2-5 and the screening requirements of the applicable zoning district to the extent possible without reducing their efficiency. Ground-mounted solar energy systems, community solar gardens or solar farms shall be screened from view of the public right-of-way to the extent possible without reducing their efficiency by setback, berming, landscaping, walls or a combination thereof.
 7. Coverage. Roof-mounted solar energy systems shall not cover more than 80% of the south-facing or flat roof upon which the panels are mounted and shall be set back a minimum of one (1) foot from the edge of the roof. The surface area of ground-mount systems shall not exceed the maximum lot coverage standard of the applicable zoning district.
 8. Feeder Lines. All power lines shall be placed underground within the interior of each parcel.

9. Compliance with Building Code. All active solar energy systems shall meet approval of local building code officials, consistent with the State of Minnesota Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.
10. Compliance with State Electric Code. All photovoltaic systems shall comply with the Minnesota State Electric Code.
11. Compliance with State Plumbing Code. Solar thermal systems shall comply with applicable Minnesota State Plumbing Code.
12. Certifications. Solar electric system components shall be certified by Underwriters Laboratories, Inc., and solar thermal systems shall be certified by the Solar Rating and Certification Corporation, or other appropriate certification(s) as determined by the City. The City reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.
13. Utility Connection. All grid-intertie 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.
14. Abandonment. If the solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including transmission equipment.
15. Permits. No solar energy system shall be erected, altered, improved, reconstructed, maintained or moved in the city without first securing a permit from the city. Community Solar Gardens or Solar Farms as defined in this section shall also require an interim use permit.
16. Deviations. Deviations from the required standards for a solar energy system may be addressed through a variance.

Section 2. Rosemount Zoning Ordinance B, Section 11-4-1: Agricultural District is hereby amended as follows:

C. Accessory Uses:

~~Satellite dishes and~~ Roof-mounted or grounded-mounted solar collectors energy systems, subject to section 11-2-12 of this title.

E. Interim Uses:

Community Solar Gardens or Solar Farms on properties outside the Metropolitan Urban Service Area (MUSA), subject to section 11-2-12 of this title.

Section 3. Rosemount Zoning Ordinance B, Section 11-4-3: Rural Residential District is hereby amended as follows:

C. Accessory Uses:

~~Satellite dishes and Roof-mounted or grounded-mounted solar collectors energy systems~~, subject to section 11-2-12 of this title.

Section 4. Rosemount Zoning Ordinance B, Section 11-4-4: Very Low Density Residential District is hereby amended as follows:

C. Accessory Uses:

~~Satellite dishes and Roof-mounted or grounded-mounted solar collectors energy systems~~, subject to section 11-2-12 of this title.

Section 5. Rosemount Zoning Ordinance B, Section 11-4-5: Low Density Residential District is hereby amended as follows:

C. Accessory Uses:

~~Satellite dishes and Roof-mounted or grounded-mounted solar collectors energy systems~~, subject to section 11-2-12 of this title.

Section 6. Rosemount Zoning Ordinance B, Section 11-4-6: Low Density Residential District is hereby amended as follows:

C. Accessory Uses:

~~Satellite dishes and Roof-mounted or grounded-mounted solar collectors energy systems~~, subject to section 11-2-12 of this title.

Section 7. Rosemount Zoning Ordinance B, Section 11-4-7: Moderate Density Residential District is hereby amended as follows:

C. Accessory Uses:

~~Satellite dishes and Roof-mounted or grounded-mounted solar collectors energy systems~~, subject to section 11-2-12 of this title.

Section 8. Rosemount Zoning Ordinance B, Section 11-4-8: Medium Density Residential District is hereby amended as follows:

C. Accessory Uses:

~~Satellite dishes and Roof-mounted or grounded-mounted solar collectors energy systems~~, subject to section 11-2-12 of this title.

Section 9. Rosemount Zoning Ordinance B, Section 11-4-9: High Density Residential District is hereby amended as follows:

C. Accessory Uses:

~~Satellite dishes and~~ Roof-mounted or grounded-mounted solar collectors energy systems, subject to section 11-2-12 of this title.

Section 10. Rosemount Zoning Ordinance B, Section 11-4-10: Convenience Commercial District is hereby amended as follows:

C. Accessory Uses:

Roof-mounted solar energy systems, subject to section 11-2-12 of this title.

Section 11. Rosemount Zoning Ordinance B, Section 11-4-11: Downtown District is hereby amended as follows:

C. Accessory Uses:

~~Satellite dishes and~~ Roof-mounted solar collectors energy systems, subject to section 11-2-12 of this title.

Section 12. Rosemount Zoning Ordinance B, Section 11-4-13: Highway Commercial District is hereby amended as follows:

C. Accessory Uses:

~~Satellite dishes and~~ Roof-mounted solar collectors energy systems, subject to section 11-2-12 of this title.

Section 13. Rosemount Zoning Ordinance B, Section 11-4-14: General Commercial District is hereby amended as follows:

C. Accessory Uses:

~~Satellite dishes and~~ Roof-mounted solar collectors energy systems, subject to section 11-2-12 of this title.

Section 14. Rosemount Zoning Ordinance B, Section 11-4-15: Business Park District is hereby amended as follows:

C. Accessory Uses:

~~Satellite dishes and~~ Roof-mounted solar collectors energy systems, subject to section 11-2-12 of this title.

Section 15. Rosemount Zoning Ordinance B, Section 11-4-15-1: Light Industrial District is hereby amended as follows:

C. Accessory Uses:

~~Satellite dishes and~~ Roof-mounted or grounded-mounted solar collectors energy systems, subject to section 11-2-12 of this title.

E. Interim Uses:

Community Solar Gardens or Solar Farms on properties outside the Metropolitan Urban Service Area (MUSA), subject to section 11-2-12 of this title.

Section 16. Rosemount Zoning Ordinance B, Section 11-4-16: General Industrial District is hereby amended as follows:

C. Accessory Uses:

~~Satellite dishes and~~ Roof-mounted or grounded-mounted solar collectors energy systems, subject to section 11-2-12 of this title.

E. Interim Uses:

Community Solar Gardens or Solar Farms on properties outside the Metropolitan Urban Service Area (MUSA), subject to section 11-2-12 of this title.

Section 17. Rosemount Zoning Ordinance B, Section 11-4-16-1: Heavy Industrial District is hereby amended as follows:

C. Accessory Uses:

~~Satellite dishes and~~ Roof-mounted or grounded-mounted solar collectors energy systems, subject to section 11-2-12 of this title.

E. Interim Uses:

Community Solar Gardens or Solar Farms on properties outside the Metropolitan Urban Service Area (MUSA), subject to section 11-2-12 of this title.

Section 18. Rosemount Zoning Ordinance B, Section 11-4-18: Public and Institutional District is hereby amended as follows:

C. Accessory Uses:

~~Satellite dishes and~~ Roof-mounted or grounded-mounted solar collectors energy systems, subject to section 11-2-12 of this title.

E. Interim Uses:

Community Solar Gardens or Solar Farms on properties outside the Metropolitan Urban Service Area (MUSA), subject to section 11-2-12 of this title.

Section 19. Rosemount Zoning Ordinance B, Section 11-4-20: Industrial Park District is hereby amended as follows:

C. Accessory Uses:

Roof-mounted solar energy systems, subject to section 11-2-12 of this title.

Section 20. Rosemount Zoning Ordinance B, Section 11-5-2: Supplementary Regulations is hereby amended as follows:

B. Supplementary Height Regulations:

1. Permitted Exceptions: Except as specifically provided in a business park or industrial district, the following structural appurtenances shall be permitted to a height not to exceed twenty five feet (25') in addition to the maximum height permitted for the district, provided they do not impair the solar access of buildings on adjoining properties and are not used for human occupancy or commercial enterprise:

a. Ornamentation such as church spires, belfries, bell towers, cupolas, domes, monuments and flagpoles.

b. Mechanical appurtenances such as ~~solar collectors~~, chimneys, smokestacks, elevator and stairwell penthouses, antennas, transmission towers and other necessary structures.

c. In all districts, setbacks for all freestanding tower antennas shall be equal to the height of the antenna and its supporting structure.

Section 21. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

ENACTED AND ORDAINED into an Ordinance this ____ day of _____, 2014.

CITY OF ROSEMOUNT

William H. Droste, Mayor

ATTEST:

Amy Domeier, City Clerk

Published in the Rosemount Town Pages this ____ day of _____, 2014.

**CITY OF ROSEMOUNT
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 2014 -

**A RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE NO. B-230
AMENDING THE CITY OF ROSEMOUNT ZONING ORDINANCE B
RELATING TO SOLAR COLLECTORS**

WHEREAS, the Planning Commission of the City of Rosemount recommended City Council approval of this amendment after holding a public hearing on July 23, 2013; and

WHEREAS, the City Council of the City of Rosemount adopted Ordinance No. B-230 amending the City of Rosemount Zoning Ordinance B relating to solar collectors; and

WHEREAS, Minnesota Statutes, Section 412.191, Subd. 4 allows publication by title and summary in the case of lengthy ordinances; and

WHEREAS, the City Council finds that the following summary would clearly inform the public of the intent and effect of the Ordinances.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rosemount that the City Clerk shall cause the following summary of Ordinance No. B-230 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

During their March 4, 2014 meeting, the City Council of the City of Rosemount adopted Ordinance No. B-230. The ordinance amends Ordinance B, the Zoning Ordinance relating solar collectors.

In summary, the new ordinance makes the following three (3) changes:

1. Define a clear purpose and intent for alternative energy systems standards based on the Comprehensive Plan and provide a clear regulatory process for reviewing these systems.
2. Create specific definitions related to solar energy systems.
3. Establish consistent performance standards focused on specific criteria.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a copy of Ordinance No. B-230 shall be kept in the City Clerk's office at City Hall for public inspection and a full copy of the ordinance be posted in the lobby of City Hall for 30 days after adoption.

ADOPTED this 4th day of March, 2014, by the City Council of the City of Rosemount.

William H. Droste, Mayor

ATTEST:

Amy Domeier, City Clerk

EXCERPT OF MINUTES FROM THE FEBRUARY 18, 2014 CITY COUNCIL MEETING

OLD BUSINESS

8.a. Zoning Ordinance Text Amendment for Alternative Energy Systems, Case 12-27-TA

Planner Lindahl provided a summary of the staff report. He explained that the motion include options for including or not including screening.

Council Member Weisensel questioned the 3 foot height requirement for commercial buildings. He talked about the site lines. Mr. Lindahl stated that 3 feet was the number selected because it was the same as other requirements for rooftop equipment. Further discussion was held about a reasonable standard in Rosemount for commercial and residential uses. Council Member Shoe-Corrigan stated that over time the technology changes will address the aesthetic concerns. Mr. Lindahl provided more information about the proposed screening.

Mayor Droste was concerned about the buffering. Mr. Lindahl explained the property owner would be responsible for the screening. The buffering would have to occur on the existing property. Community Development Director Lindquist explained that the screening proposed is only from the public right-of-way.

Further discussion was held on the screening of mechanical equipment. Council Member Weisensel suggested eliminating the three foot requirement for commercial buildings. He wanted the site line to be the screening.

Discussion was held about the height requirements within the residential zoning districts. Council Member Shoe-Corrigan questioned how the residential zoning would affect schools. Ms. Lindquist replied that schools are a non-residential land use.

Further discussion was held about the screening requirements and setbacks. Ms. Lindquist stated that if Council feels that the setback is enough they should not adopt the screening requirements. Any IUP would require Council approval.

The Council directed staff to amend the ordinance language to include that non-residential roof mounted systems will refer back to the zoning district standards but residential mounted systems will have a height requirement of 3 feet with the exception of schools and churches. Staff will make the recommended changes and bring back to the next meeting for consideration.

EXCERPT OF MINUTES FROM THE OCTOBER 1, 2013 CITY COUNCIL REGULAR MEETING PROCEEDINGS

OLD BUSINESS

8.a. Zoning Ordinance Text Amendment for Alternative Energy Systems, Case 13-27-TA

Community Development Director Lindquist provided a summary of the changes made to the proposed ordinance after City Council review on September 3, 2013. She provided additional information regarding solar standards in other communities, screening and setbacks.

Council Member Demuth questioned the permit process for a resident to add solar panels to a roof. Ms. Lindquist explained the building permit process. Mayor Droste stated that he did not support the screening on the east side unless development was within a certain distance such as 500 feet. Ms. Lindquist explained the condition of the screening from public view. Discussion was held regarding the screening requirements. Council Member Weisensel requested that staff research the requirements for the Wright-Hennepin Cooperative.

City Council requested more clarity on the screening requirements to ensure the ordinance did not create abnormal hurdles in the rural areas.

EXCERPT OF MINUTES FROM THE SEPTEMBER 3, 2013 CITY COUNCIL MEETING

9.f. Zoning Ordinance Text Amendment for Alternative Energy Systems, Case 13-27-TA
Community Development Director Lindquist provided a summary of the staff report. The proposed revisions address changing technology, establish consistent standards, and implement the City's goals to become a more sustainable community.

Council Member Weisensel questioned if the equipment had to be located in an area serviced by Xcel Energy. Ms. Lindquist replied that the equipment had to be in close proximity to Xcel's grid. She noted that the majority of the City was in Xcel's territory. Council Member Weisensel also questioned if the equipment could be installed on existing structures or if it had to stand alone. He expressed concerns about it affecting economic development. Ms. Lindquist explained that nothing in the ordinance precludes retail establishments from adding solar equipment or prohibits solar equipment by a certain use.

Council Member Demuth requested clarification under C.6. related to screening. Further discussion was held regarding the screening requirements, abandonment issues, and the inclusion of satellites. Because the item was not time sensitive, further discussion will be held regarding the screening requirements. The City Council also requested that staff review the ordinance to ensure it is not too onerous or restrictive for residents and businesses to obtain a permit or use the technology.

Motion by DeBettignies. **Second** by Demuth.

Motion to continue consideration after receiving additional information from staff.

Ayes: Weisensel, Demuth, DeBettignies, Shoe-Corrigan, Droste

Nays: None. **Motion carried.**

**EXCERPT OF DRAFT MINUTES
PLANNING COMMISSION REGULAR MEETING
JUNE 25, 2013**

7.a. Zoning Ordinance Text Amendment for Alternative Energy Systems (13-27-TA). Planner Lindahl stated that Rosemount's existing solar collector standards were last updated in 1993 and should be revised to address changing technology, establish consistent standards, and implement the City's goals to become a more sustainable community.

Mr. Lindahl explained that systems can be roof or ground mounted. Roofs are typically used in urban areas. Staff thinks it is important for the solar panels to blend into the existing background. There are two primary ways in which the City could designate use: accessory or conditional. Accessory use is considered a secondary use of a piece of property. Conditional use is more appropriate for rural or industrial. If the city were to consider accessory use, the applicant would request building permit and it would be an administrative type review. Conditional or principle use of the site would require a public hearing and come before Planning Commission. There could also be some interim uses. Mr. Lindahl requested comments from the Planning Commission on the information provided in the packet.

Commissioner Husain inquired whether geothermal energy was included as an alternative energy. Mr. Lindahl responded that geothermal use is currently not being considered as the City feels that solar is the most appropriate place to start. However, the City intends to rename the code as alternative energy as opposed to solar and that could include geothermal and wind energy. Geothermal use is different and includes pipes and underground systems and there will be different standards for geothermal.

Commissioner Miller inquired about height of the solar panels. He suggested that solar panels that exceed the height of house need a variance and if they are flush to the house to proceed by permit. Regarding ground mounted, he would like to see some screening standards and heights restrictions. Further, regarding performance standards there should be some benefit to putting them in. If City sets the structure for solar energy they open door to others such as wind power generation. Geothermal systems would just need to meet requirements and he doesn't think the City would want to do conditional use permit. Generally speaking the process should be streamlined so City can provide permits once standards are met.

Mr. Lindahl responded that the City will attempt to balance between an efficient use of the solar system with meeting performance standards. On the house shown, the panels were placed to get the most efficient use of the sun. Commissioner Miller thinks if it impacts surrounding properties, the Planning Commission may need to hear those matters and feels a balance of streamlining and maintaining the integrity of neighborhoods is important.

Chairperson Powell said they are trying to set boundaries under which most things fit. The City will need some control if the changes will affect neighboring properties. With respect to geothermal, Mr. Zweber said there approximately six geothermal installations in town and most of them went in with no problem. The City will want to provide guidelines for review for those systems.

Commissioner Kurlle stated that height restrictions for buildings may be a good place to start for the

guidelines. Commissioner Kurle inquired whether residents could say they can't build due to trees so they could just go taller with their system. Mr. Lindahl responded that they would need to rise to the practical difficulty standard to meet variance requirements. Staff would typically advise applicants that zoning standards create development limitations. The City would need to balance what is practical and reasonable for applicant to gain access to the solar resources with impact on surrounding properties. Mr. Zweber added that a City can modify a solution to a variance and can place reasonable restrictions.

Commissioner Weber added that he would like to encourage solar systems in industrial areas. These buildings have larger rooftops and use more energy than residential homes. Commissioner Miller commented that setting good standards in place would help homeowners and businesses. He stressed the importance of supporting both citizens and businesses.

Commissioner Miller also inquired about the process of moving to step 3 of the Green Steps. Mr. Lindahl stated there are 26 Best Practices items which communities need to do fully to implement the Green Steps program. Currently the City has done 7 or 8 items. Other items to be done include: create solar ordinance and streamlined permitting system, develop complete streets program allowing more alternative transportation methods with biking and walking, there are also certain energy standards for purchasing office machines and paper. More detail about the next steps will be provided in the future.

Mr. Lindahl requested the Commission's input regarding whether solar panels should be permitted or as an interim use where solar panels would be the primary use of that property. The new Minnesota law allows for community solar where a property owner could create a large solar farm. They could lease or sell a panel of energy back to customers within the county. This is expected to be the new trend.

Commissioner Husain inquired whether the City could put restrictions on new commercial buildings and the type of energy they use. Mr. Lindahl replied that this would exceed the City's planning authority. The new state law requires the major utilities to produce 1.5% of their electric energy from a solar resource by the year 2020. The state is creating a broader incentive. Mr. Zweber added that there can be some City regulation on projects where City funds are involved.

Commissioner Miller said interim use is his preference as it allows a review of permits. This will give an opportunity to make corrections and continue to improve performance standards. Commissioner Kurle said accessory use would be preferred for residential. He recommended conditional use for commercial properties based on certain requirements. Interim use could be used within a certain zoning area to maintain some control.

The next step in this process would be for staff to draft an ordinance and bring it back to the Planning Commission for a public hearing.

**EXCERPT OF DRAFT MINUTES
PLANNING COMMISSION REGULAR MEETING
JULY 23, 2013**

5.b. Zoning Ordinance Text Amendment for Alternative Energy Systems (Case 13-27-TA). Planner Lindahl reviewed the staff report stating this is a staff initiated text amendment based on a review of standards from other communities and the State of Minnesota's model ordinance for solar energy systems. Should the City Council approve this amendment it will do the following:

1. Define a clear purpose and intent for alternative energy systems standards based on the Comprehensive Plan and provide a clear regulatory process for reviewing these systems.
2. Create specific definitions related to solar energy systems.
3. Establish consistent performance standards focused on specific criteria including: uses, location, height, aesthetics, screening, coverage, compliance with other codes, certifications, abandonment, and deviations.

Commissioner Miller requested more clarification in Section C.4. pertaining to height to provide more direction for an architect on where the three foot requirement began. Also, Mr. Miller asked for a clarification of Section C.6. pertaining to screening requirements and asked whether or not it would be possible to exempt residential homes from the screening requirements. Mr. Lindahl stated that there may be certain situations on a roof that could impact how a solar panel is positioned which would then impact the screening of it. Mr. Zweber added that the screening requirement mainly pertains to commercial rooftops. Chairperson Powell stated his support for exempting residential units from the screening requirements.

Commissioner Miller asked if the 80% coverage referenced in Section C.7. pertains to the whole roof. Mr. Lindahl stated that the 80% pertains to the south facing part of the roof where the panels would be installed.

With respect to Section C.15. regarding permits, Commissioner Miller asked if the language could be made more specific so people would know that the conditional use permits would only pertain to a rural setting.

Commissioner Husain asked for clarification of Section C.8. which requires the electrical collection system to be placed underground. Mr. Lindahl responded that it is simply requiring all electrical power lines to be installed underground so there would be no overhead lines in the neighborhood. Chairperson Powell suggested changing the terminology from "collection system" to "power lines" or something similar to make it more understandable.

The public hearing was opened at 7:17p.m.

There were no public comments.

MOTION by Miller to close the public hearing.

Second by Powell.

Ayes: 4. Nays: None. Motion approved. Public hearing was closed at 7:18p.m.

There was no further discussion.

MOTION by Miller to recommend the City Council approve the attached ordinance amending the Rosemount Zoning Ordinance B Relating to Satellite Dishes and Solar Collectors.

Second by Husain.

Ayes: 4. Nays: None. Motion approved.