

**CITY OF FARIBAULT
ORDINANCE No. 2011-05**

**AMENDING THE FARIBAULT CODE OF ORDINANCES, APPENDIX B,
UNIFIED DEVELOPMENT ORDINANCE REGARDING SOLAR ENERGY SYSTEMS**

WHEREAS, the Planning Commission desired to amend the Faribault Code of Ordinances to allow for Solar Energy Systems within the City; and

WHEREAS, the Planning Commission on the 17th day of May, 2011, following proper notice, held a public hearing regarding the request, and following said hearing, made a recommendation that the zoning amendments be adopted; and

WHEREAS, the City Council on the 24th day of May, 2011, following proper notice, held a public hearing to consider the proposed zoning amendment, and all interested persons were provided with an opportunity to comment.

THE CITY OF FARIBAULT ORDAINS: The City Code of Ordinances, shall be amended as follows:

CHAPTER 1. INTRODUCTORY PROVISIONS

1-120. Definitions.

Solar collector. A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy and that contributes significantly to a structure's energy supply.

Solar energy system. A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy.

Solar structure. A structure designed to utilize solar energy as an alternative or supplement to, a conventional energy system for the principal use of the structure.

CHAPTER 6. GENERAL REGULATIONS

6-230. Antennae, satellite dishes, wind energy conversion systems, solar energy systems, and towers. (A) *Purpose.* This section is established for the purpose of providing for the appropriate location and development of antennae, satellite dishes, towers, and wind energy conversion systems, and solar energy systems which are often needed to serve the residents and businesses within the city, to reduce potential negative visual impacts of such facilities, to maximize the use of existing towers and structures, and to provide restrictions which do not conflict with any federal statute or FCC rule or regulation. Towers and antennae provided for use by a political subdivision shall be exempt from the regulations identified in this section.

Sections (B) through (F) are not being amended

(G) Solar Energy Systems. Solar energy systems shall be permitted in all zoning districts. A property is permitted to have up to four (4) square feet of solar panels before the following standards are required to be met. All panels and/or systems with over four (4) square feet of solar panels are subject to the following requirements:

- (1) A maximum of 120 square feet of solar panels are permitted on a property. A system over 120 square feet in size may be permitted by conditional use.
- (2) All roof mounted systems shall meet the following requirements:
 - a. A roof mounted system on a peaked roof shall not extend more than five (5) feet above the peak of that section of the roof. The height of the system shall be measured from the roof peak to the highest extent the system is capable of reaching.
 - b. A roof mounted system on a flat roof shall not extend more than twelve (12) feet above the average height of that section of the roof. The height of the system shall be measured from the roof surface to the highest extent the system is capable of reaching.
 - c. In no case shall a system extend past the wall line of a structure.
 - d. All roof mounted systems within the Heritage Preservation District shall have a Certificate of Appropriateness issued by the Heritage Preservation Commission prior to the issuance of a building permit.
- (3) All ground mounted systems shall meet the following requirements:
 - a. A ground system shall not extend over ten (10) feet in height in all residential zoning districts. An institutional use may apply for a conditional use permit to allow for a taller structure. The height of the system shall be measured from the ground surface to the highest extent the system is capable of reaching.
 - b. A ground system shall not extend over fifteen (15) feet in height in all other zoning districts. A taller system may be permitted by conditional use. The height of the system shall be measured from the ground surface to the highest extent the system is capable of reaching.
 - c. All ground systems shall meet the setbacks required of an accessory structure. The setbacks shall be measured from the property line to the closest extent the system is capable of reaching.
 - d. All ground systems within residential zoning districts shall be located in a side or rear yard. Church and school uses shall be exempt from this requirement provided the lot exceeds one (1) acre in size.
 - e. A ground system shall not be located within a drainage and utility easement.
 - f. Ground systems shall not be permitted within the Heritage Preservation District.
- (4) The majority of all associated utilities shall be installed underground.
- (5) A visible exterior disconnect shall be provided per the National Electrical Code.
- (6) All solar energy systems shall be UL listed or certified by an equal agency recognized by the State of Minnesota.
- (7) Building and Electrical permits shall be required for all systems over four (4) square feet in size.

- (8) A property owner who has installed or intends to install a solar energy system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easements and shall record the easement with the Rice County Recorder. If no such easement is negotiated and recorded, the owner of the solar energy system shall have no right to prevent the construction of structures, planting of trees, or any other items that may affect the performance of the solar energy system permitted by this ordinance on nearby properties on grounds that the construction would cast shadows on the solar energy system.
- (9) All solar energy systems, unless it is an integral part of the structure, that remain nonfunctional or inoperative for a continuous period of twelve (12) months shall be deemed 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 but not limited to the foundation, transmission equipment, structure, and any associated accessory structures. Any owner that has not removed the system within these twelve (12) months shall be notified by the Zoning Administrator in writing and given thirty (30) days to comply with the removal. Upon failure to comply with the notice within the specified time period, the Zoning Administrator is authorized to cause removal of such system, and assign any expenses incidental to the removal of the same to the property or the property owner.

(GH) *General standards.* All antennae, satellite dishes, towers, and wind energy conversion systems, and solar energy systems shall be subject to the following additional requirements:

- (1) Location and color shall be in a manner to minimize off-site visibility to the greatest possible extent.
- (2) Building permits shall be required for the installation of building mounted satellite dishes in excess of five (5) feet in diameter, and all towers and wind energy conversion systems. All such structures shall be designed and installed in compliance with pertinent building codes and other regulations.
- (3) No signs, other than public safety warning or equipment information, shall be affixed to any portion of the structure.
- (4) No artificial illumination, except when required by law or by a governmental agency to protect the public's health and safety, shall be utilized.
- (5) The placement of transmitting, receiving, and switching equipment shall be integrated within the site, being located within an existing structure whenever possible. Any new accessory equipment structure shall be attached to the principal building, if possible, and be constructed of materials and a color scheme compatible with the principal structure and/or surrounding area, or within an equipment encasement not exceeding ten (10) feet by ten (10) feet in area and five (5) feet in height.
- (6) Accessory equipment or buildings shall be screened in accordance with the provisions required within Chapter 4, Site Plan Review.

- (7) Towers, and any equipment attached thereto, shall be unclimbable by design for the first twelve (12) feet or be completely surrounded by a six (6) foot high security fence with a lockable gate.

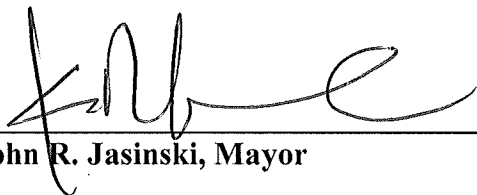
Section 2. This ordinance amendment shall take effect and be in force thirty (30) days after its adoption and publication.

First Reading: May 24, 2011

Second Reading: June 14, 2011

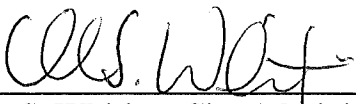
Publication Date: June 18, 2011
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Faribault City Council



John R. Jasinski, Mayor

ATTEST:



Charles S. Whiting, City Administrator